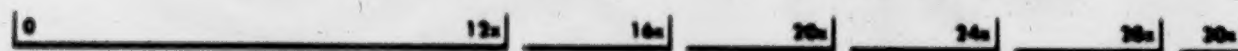
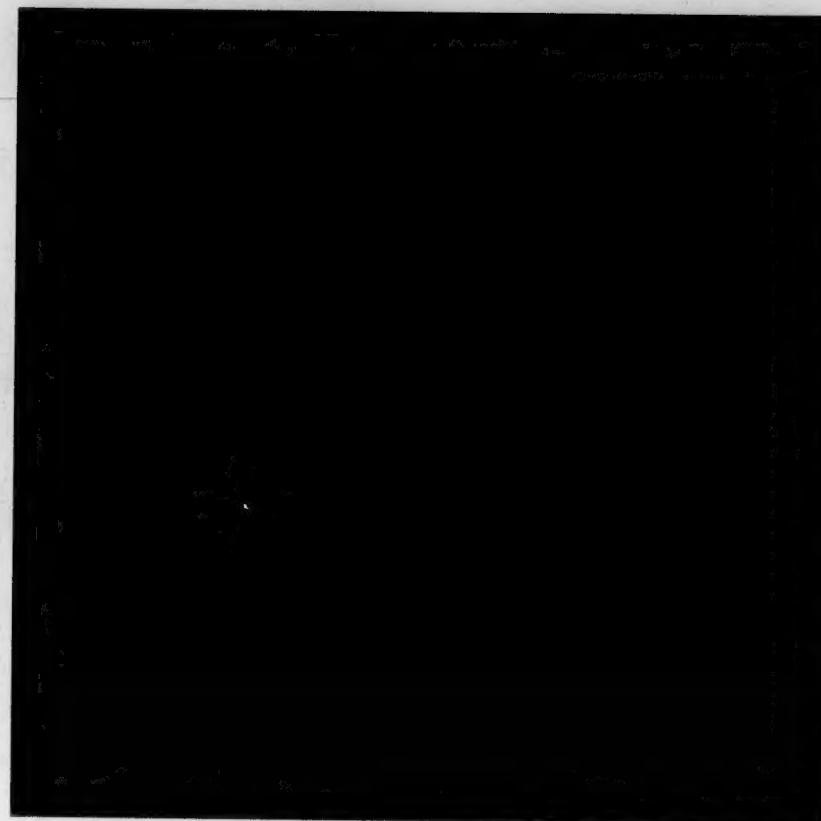
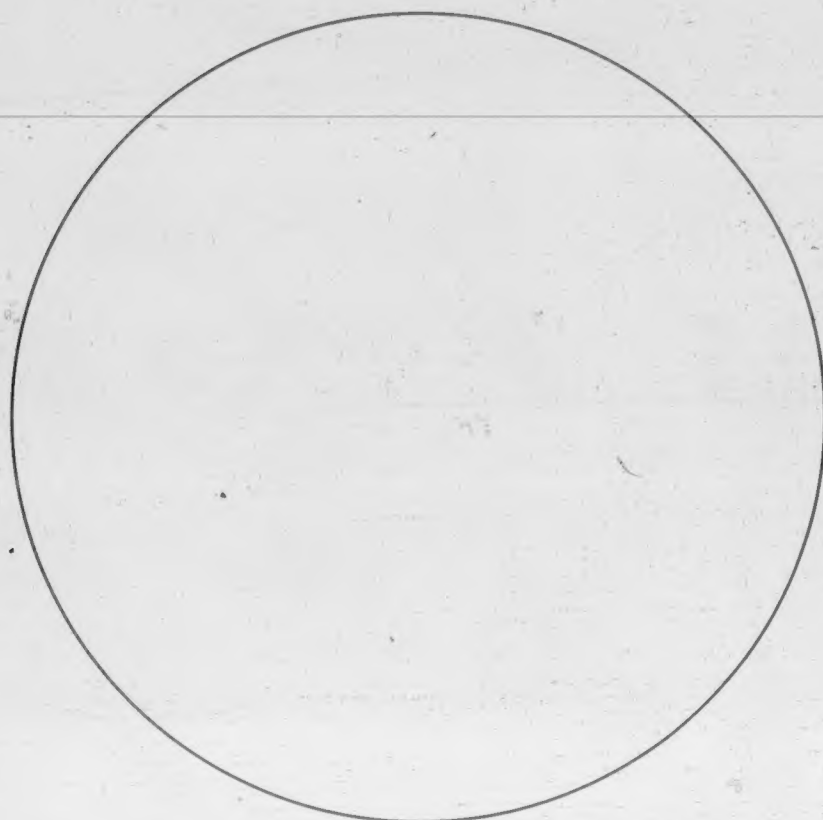
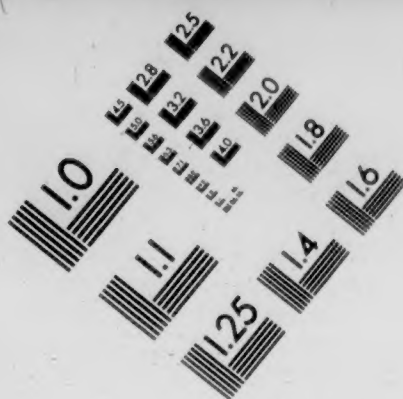


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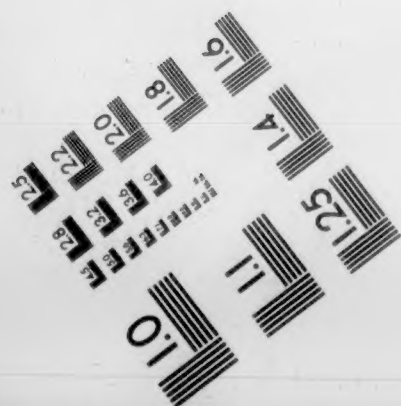
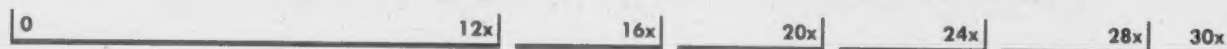


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 145

MISSISSIPPI CHOCTAW MCR 5291 - MCR 5394

**THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choctaw MCR 5291

Harriet Washington

See MCR 5292, 5293, 5294

MCR 5291

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Harriet Washington, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Harriet Washington, et al.,	M.C.R. 5291
Callie Newman, et al.,	M.C.R. 5292
Nellie Smith, et al.,	M.C.R. 5293
Sallie Bowman, et al.,	M.C.R. 5294.

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Harriet Washington, et al.

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5291
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Harriet Washington for the identification of herself and one minor child, Janie, as Mississippi Choctaws.

Said Harriet Washington, being first duly sworn, testified as follows:

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Harriet Washington.
Q How old are you? A Sixty.
Q How much Choctaw blood have you? A One-quarter--my mother was a half.
Q What's your postoffice address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A That's my home all my life.
Q Is your father living? A No, sir.
Q What was his name? A Trent Bonaparte.
Q Is your mother living? A No sir.
Q What was her name? A Kitty Jones.
Q You get your Choctaw blood through your mother? A Yes sir, and grandmother.
Q Your father had no Choctaw blood? A No sir.
Q Were you a slave? A Yes sir.
Q How old would your mother be if she were living now? A She would be eighty-two years old--when she died she was sixty-two and she's been dead twenty years.
Q Where was she born? A Hinds County.
Q And she lived in this State all her life? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood? A My grandmother.
Q Her mother? A Yes sir.
Q What was her mother's name? A Katie.
Q Did she have any other name? A No other name as I know of.
Q How much Choctaw blood did Katie have? A She was full blood Indian.
Q Did you ever see her? A No sir, I didn't know her at all.
Q Where did she live during her life time? A Hinds County.
Q All her life? A Yes sir.
Q How do you know she was a full blood? A That's what my mother told me.
Q Do you speak the Choctaw language? A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Dead.
Q How many children have you living who are under 21 years of age and unmarried? A One.
Q What's the name of that child? A Janie Washington.
Q How old is she? A Twenty.
Q Does she live with you at this time? A Yes sir.
Q What was the name of her father? A Ben Washington.

Harriet Washington et al--2

- Q Were either of you married more than once? A Only once.
- Q Did Ben have any Choctaw blood? A No sir.
- Q This application is for yourself and one minor child? A Yes sir.
- Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and one minor child, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.
- Q Did any of them live here at that time to your knowledge? A No sir, not as I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did any of your people ever get any land from the Government to your knowledge? A Not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of ~~such~~ many Choctaws ~~who~~ who did in fact let him know that they wanted to stay here and become citizens and take land, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but

Harriet Washington etal--3

that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1846 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in the place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Not as I know of.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir, not that I know of.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today? A Yes sir.

Q How many? A One.

Q What's that witness's name? A Mollie Cooks.

Q Is she any relation to you? A No sir.

Q Where does she live? A She lives in Yazoo City.

Q What do you expect to prove by her? A Prove that my grandma was a full blood Indian.

Q Is that all? A Yes sir.

Q She doesn't know whether or not any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

If you should find any further witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Harriet Washington et al--4

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any children who are married or of age? A Yes sir.
- Q How many? A Six married.
- Q What are the names of those children, the oldest first? A Callie Newman.
- Q Next one? A Nellie Smith.
- Q Next one? A Sallie Bowman.
- Q Next one? A Aleck Washington.
- Q Next one? A Charlie Washington.
- Q Next one? A George Washington.
- Q Have you any children dead who left children? A No sir.
- Q Have you any brothers or sisters living? A No sir, only myself.
- Q Did you ever have any brothers? A Yes sir.
- Q Did any of them leave children? A No sir.
- Q Did you ever have any sisters? A Yes sir.
- Q How many? A I had three sisters.
- Q Did any one of them leave children? A One sister left three children.
- Q What was her name? A Elizabeth Jones.
- Q Are those three children living? A Yes sir.
- Q What are their names? A Annie Goodlow, Maggie Godberry.
- Q What's the name of the other one? A Billy Jones.
- Q Any other of your other sisters leave children? A No sir.
- Q Are any of your mother's brothers or sisters living? A I don't know anything about them.
- Q You don't know whether she ever had any or not? A No sir.
- Q You don't speak or understand the Choctaw language, do you? A No sir..

Examination by Mr. Beadle:

- Q Did your mother live here in 1830 when this treaty was made?
- A Yes sir, my mother was living here.

By the Commission:

- Q Where was she living 71 years ago when this treaty was made?
- A Hinds County--she told me.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates--her hair, however, is inclined to be straight--she has the features and facial expression of a negro--she does not speak or understand the Choctaw language.

Mollie Cooks, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Mollie Cooks.
- Q How old are you? A Seventy-two.

Harriet Washington et al--5

Q What's your postoffice address? A Yazoo City.
Q How long have you lived in Yazoo County? A Been there most all my life time.
Q Were you a slave? A Yes sir.
Q Are you acquainted with Harriet Washington? A Yes sir.
Q How long have you known Harriet? A I've known her the first day she come here--been knowing her ever since.
Q Are you any kin to her? A No sir, not a bit.
Q Did you know Harriet's mother? A Yes sir.
Q What was her name? A Kitty Jones.
Q Did Kitty have any Choctaw blood? A Yes sir.
Q How much? A I don't know how much, but I know she had it.
Q Was she a slave? A No more than what she chose to do--she would go round and wait on the people that was sick.
Q Where did Kitty live? A In Hinds County.
Q Where was she born? A I don't know, sir.
Q You don't know whether she was born in Hinds County, or not? A No sir.
Q Which one of her parents had Choctaw blood? A Her mother--that's where we got acquainted with her, at the camp.
Q Was her mother a Choctaw? A Yes sir, she was full blood.
Q What was her name? A Katie.
Q Did she have any other name? A I don't know if she had any other name or not.
Q When did Katie die? A She's been dead I suppose over fifty years.
Q Did Katie live among the Indians all her life? A Yes sir, she was amongst them.
Q She wasn't a slave was she? A No sir.
Q You don't know where she was born, do you? A No sir.
Q How old were you when you first saw her? A I was young when I first saw her.
Q About how old were you? A I couldn't tell how old I was at that time but I know I was a good size girl.
Q Were you a ~~grown~~ grown woman? A No sir, I was a good size girl at that time when I got acquainted with her.
Q Did you see her frequently until her death? A No sir, I left her back there in Hinds County.
Q You know, then, of your own knowledge, that Kitty, the mother of this applicant, was a full blood Choctaw woman, do you? A Yes sir.
Q Do you know who Kitty's father was? A No sir.
Q Did you ever hear of Katie having a Choctaw name? A Yes sir, I used to hear it but I didn't pay no attention to it.
Q You don't know what her Choctaw name was? A No sir.
Q You don't know the names of her parents, do you? A No sir, I don't know.

Commission:

Mr. Beadle, does this witness know whether any of the ancestors of the applicant ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek?

Mr. Beadle:

No sir, she don't know anything about that.

Harriet Washington et al--6

Examination by the Commission.

Q Are you interested in any way in the result of the application of this woman? A No sir.

Examination by Mr. Beadle:

Q You say you took her from the camp, what do you mean? A She got so she would follow us young people off and she finally got so she just stayed with us and left her mother.

Q About how old was Kitty when she left her mother and went to live with your people? A She was mighty near a young lady.

Q Was she older or younger than you? A She was older than I was.

Q When was this she left her people and went with your people?

A I can't tell how many years it was. I never kept any account.

By the Commission:

This witness is a negro of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of April, 1902, at Meridian, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Handwritten:
C. v. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Harriet Washington, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Harriet Washington, et al.,	M.C.R. 5291
Callie Newman, et al.,	M.C.R. 5292
Nellie Smith, et al.,	M.C.R. 5293
Sallie Bowman, et al.,	M.C.R. 5294.

--- D E C I S I O N : ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Harriet Washington for herself and her minor child Janie Washington; by Callie Newman for herself and her four minor children, Nellie, Charlie, Hattie, and Onie Newman; by Nellie Smith for herself and her five minor children, Eugene Jr., Claude, Curtis, McKinley, and Alex Smith; and by Sallie Bowman for herself and her three minor children, Theon, Bertha, and Jamison Bowman, under the following

provision of the act of Congress approved June 22, 1896 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Katie, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (30 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Katie, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent,

Cheotaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 518).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Janie Washington, Callie Newman, Nellie Newman, Charlie Newman, Hattie Newman, Onie Newman, Nellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Sallie Bowman, Theen Bowman, Bertha Bowman, and Jamison Bowman, as Cheotaw Indians entitled to rights in the Cheotaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

RECEIVED

Tamie Sixby.

Acting Chairman

[Signature]

Commissioner.

RECEIVED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 2 1902

MEM 5201, 5214,
4820, 4821, 4822,
4812, 5207, 5256.

Muskogee, Indian Territory, September 13, 1902.

L. T. Miller,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised of the present status of the following Mississippi Chectaw cases:

Consolidated case
Harriet Washington et al., M C R 5201

Consolidated case
Tom Walls et al., M C R 5206

Pennie D. Gesser et al., M C R 4820
Daisy McGhee et al., M C R 4821
Sophia Harrington et al., M C R 4822
Beck Taylor, M C R 4812

Consolidated case
Bettie Martin et al., M C R 5207

Consolidated case
Adeline Harrison et al., M C R 5256

Consolidated case
Beverly Harrison et al., M C R 5246.

You are hereby advised that in the consolidated case of Tom Walls et al., the Commission, on September 2, 1902, rendered its decision refusing the application for identification as Mississippi Chectaws of the several persons included in this consolidated

L. T. M.--2.

case, and on the same date notified the several applicants therein of such decision and of the forwarding of the record to the Secretary of the Interior for review.

In the other cases the Commission has not up to this time rendered any decision or opinion relative to the right of the several applicants therein to be identified as Mississippi Choctaws but the Commission is now considering the several cases and it is probable that a decision will be rendered in the near future. Upon the rendition of such decision the applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 5291.

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harriet Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Harriet Washington, et al.	M.C.R. 5291
Callie Newman, et al.	M.C.R. 5292
Nellie Smith, et al.	M.C.R. 5293
Sallie Bowman, et al.	M.C.R. 5294

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Janie Washington, Callie Newman, Nellie Newman, Charlie Newman, Hattie Newman, Onie Newman, Nellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Sallie Bowman, Theon Bowman, Bertha Bowman, and Jamison Bowman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

- 2 -

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Edwin Dwyer

Acting Chairman.

COPY.

M.C.R. 5291.

Muskogee, Indian Territory, December 3, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harriet Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Harriet Washington, et al.	M.C.R. 5291
Callie Newman, et al.	M.C.R. 5292
Nellie Smith, et al.	M.C.R. 5293
Sallie Rowman, et al.	M.C.R. 5294

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Janie Washington, Callie Newman,

Hellie Newman, Charlie Newman, Hattie Newman, Onie Newman, Hellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Sallie Bowman, Eneon Bowman, Bertha Bowman, and Jamison Bowman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

COPY. M.C.R. 5291.

Muskogee, Indian Territory, December 2, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harriet Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Harriet Washington, et al.	M.C.R. 5291
Callie Newman, et al.	M.C.R. 5292
Nellie Smith, et al.	M.C.R. 5293
Callie Bowman, et al.	M.C.R. 5294

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Jamie Washington, Callie Newman,

-:- 2 -:-

Mellie Newman, Charlie Newman, Mattie Newman, Onie Newman, Mellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Hallie Bowman, Theon Bowman, Bertha Bowman, and Jamison Bowman, as Ghostaw Indians entitled to rights in the Ghostaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Lamo Indian
Acting Chairman.

Registered.

File

COPY.

M.C.R. 5291.

Muskogee, Indian Territory, December 2, 1902.

Harriet Washington,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harriet Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Harriet Washington, et al.	M.C.R. 5291
Callie Newman, et al.	M.C.R. 5292
Nellie Smith, et al.	M.C.R. 5293
Callie Bowman, et al.	M.C.R. 5294

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Janie Washington, Callie Newman,

Nellie Newman, Charlie Newman, Mattie Newman, Onie Newman, Nellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Sallie Bowman, Theon Bowman, Bertha Bowman, and Jamison Bowman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.*

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED).

Tame Dixey.
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Harriet Washington, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Harriet Washington, et al.,	M.C.R. 5291
Callie Newman, et al.,	M.C.R. 5292
Nellie Smith, et al.,	M.C.R. 5293
Sallie Bowman, et al.,	M.C.R. 5294

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5291

James Kirby
Acting Chairman.

(C O P Y)

Land
75523--1903.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, June 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application of the following parties: Harriet Washington for herself and her minor child, Janie Washington; Callie Newman for herself and her four minor children, Nellie, Charlie, Hattie and Onie Newman; Nellie Smith for herself and her five minor children, Eugene Jr., Claude, Curtis, McKinley and Alex Smith; Gallie Bowman for herself and her three minor children, Theon, Bertha and Jamison Bowman, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from one Katie or Katie Bonaparte, who it is alleged was a Choctaw Indian and a resident in Mississippi at the time of the making of the treaty of 1830, through Kitty Jones, mother of the principal applicant, Harriet Washington.

The Commission rejected the applicants because the name of the ancestor "Katie" does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Katie or Katie Bonaparte and Kittie Jones, her daughter, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts, it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. TONNER ,
Acting Commissioner.

C.T.C.

(C O P Y)

D.C.17619

ITD.4994-1903.

L.R.S.

W.C.P.
RAF.

DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N .

June 19, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 18, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Harriet Washington and her minor child, Janie Washington; of Callie Newman and her minor children, Nellie, Charlie, Hattie and Onie Newman; of Nellie Smith and her minor children, Eugene Jr., Claude, Curtis, McKinley and Alex Smith; and of Sallie Bowman and her minor children, Theon, Bertha and Jamison Bowman. You refused the applications December 2, 1902.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of one Katie, through her daughter, Kitty Jones or Bonaparte, mother of the principal applicant, Harriet Washington, it being alleged that said ancestor was a full blood Choctaw Indian and a resident in Mississippi in 1830.

The evidence submitted and the records of the Indian Office fail to show that either of the alleged ancestors of the applicants complied or attempted to comply with article 14 of the

treaty of 1830, or with either of the acts of Congress relating thereto.

Reporting June 9, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department has carefully reviewed the entire record, finds no reason to modify your decision, and hereby affirms the same.

respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

Muskogee, Indian Territory, July 17, 1903.

Harriet Washington,
Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 19th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harriet Washington et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M C R 5291

COPY:

Muskogee, Indian Territory, July 17, 1903.

A. W. Jones,
Agent,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 19th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harriet Washington et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Muskogee, Indian Territory, July 17, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 19th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harriet Washington et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

T. B. Neel

Commissioner in Charge.

COPIES

Muskogee, Indian Territory, July 17, 1903.

Mansfield McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harriet Washington et al., of which decision you were advised by mail on the 2nd day of December 1902.

Respectfully,

U.S. DEPT. OF THE INTERIOR

J. B. NEAL
Commissioner in Charge.

Consolidated Case
of
Harriet Washington et al

REFER TO M. C. R

5 2 9 1

OFFICE Age Sex Blood TRIBAL ENROLLMENT No. NAME OF FATHER YEAR COUNTY TRIBAL EN

CHOCTAW NATION.

Katie (b)

Kitty Jones $\frac{1}{2}$
(dead)

hus

Trent Bonaparte
(dead)

Elizabeth Jones
(dead)

Annie Goodlow
(nee Annie Jones)

Billy Jones

Maggie Godberry
(nee Jones)

Katie (fb)	Kitty Jones $\frac{1}{2}$ (dead)	5291 Harriet Washington 60- $\frac{1}{4}$ Slave
	hus Trent Bonaparte (dead)	husband Ben Washington dead

more
5291.
Janie Washington 20

more
5292
Callie Washington 32- $\frac{1}{8}$

mar
Lourenzo Newman

more
5293
Nellie Washington 31- $\frac{1}{8}$

mar
Eugene Smith

more
5292
Nellie Newman 15

"Charlie " 12

"Hattie " 9

"Onie " 5

more
5294
Eugene Smith Jr. 13

"Claude " 12

"Curtis " 10

"McKinley " 5

"Alex " 1

more
5294
Sallie Washington 26- $\frac{1}{8}$

mar
Eddie Bowman

Aleck Washington

Charlie Washington

George Washington

more
5294
Theon Bowman 8

"Bertha " 4

"Jamison " 2

#2039

No.

5291

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name Harriet Washington

Age

60

Blood

$\frac{1}{4}$

Post Office,

Yazoo City, Miss

Father:

Genl Bonaparte d

Mother:

Kitty Jones $\frac{1}{2}$ d

Claims through

mother

Children:

Janie Washington

20

Father Ben Washington

(no Choctaw blood)

mothers mother = Katie

Stenographer

J. S. Niles

Choctaw MCR 5292

Callie Newman

See MCR 5291

MCR 5292

5292

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Callie Newman for the identification of herself and four minor children, Nellie, Charlie, Hattie and Onie, as Mississippi Choctaws.

Said Callie Newman, being first duly sworn, testified as follows:-

APPEARANCES: S.A. Beadle, Attorney, for applicant,
A.W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Callie Newman.
Q How old are you? A Thirty-two.
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Yazoo City.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Ben Washington.
Q Is your mother living? A Yes sir.
Q What's her name? A Harriet Washington.
Q Is she the Harriet Washington who has just this morning appeared before the Commission and made application for identification as a Mississippi Choctaw? A Yes sir.
Q Your father had no Choctaw blood? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What's his name? A Lorenzo Newman.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him, then? A No sir.
Q How many children have you living? A Four.
Q What are their names and ages? A Nellie Newman,
Q How old? A Fifteen.
Q Next one? A Charlie.
Q How old is he? A Twelve.
Q Next one? A Hattie.
Q How old? A She's nine.
Q Next one? A Onie.
Q How old? A Five.
Q Boy or girl? A Girl.
Q These four children living with you at this time? A Yes sir.
Q Are they all the children of yourself and Lorenzo Newman? A Yes sir.
Q This application, then, is for yourself and four minor children, is that correct? A Yes sir.
Q Has any application of any kind ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and four children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

Callie Newman et al--2

A No sir.

Q Did any of them ever get any land here in Mississippi from the Government, to your knowledge? A No sir.

Q Did you ever hear of any of your ancestors ever receiving any benefits whatever as Choctaw Indians? A No sir.

Q Do you know whether any of them moved out to the new nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens and take land? A No sir.

Q You don't know about that? A No sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to stay here and take land under that article. The records of the Government show that that Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and on this account the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This, of course, caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress. Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here and hear the cases of Choctaws who claimed that they were entitled to rights under the 14th article of the treaty of Dancing Rabbit Creek. These Commissioners were appointed and came down here in the latter part of the 30's and forties and heard a great many of these Choctaw cases.

Q Did any of your people go before those Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved the 23rd of August, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Callie Newman etal--3

Did any of your people ever get any of this scrip from the Government? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied with this treaty provision or ever received any benefits under that 14th article? A No sir.

Q You know of no written evidence which would prove or tend to prove such a state of facts, do you? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Any witnesses? A My mother has one witness who has already testified in her case whose testimony I desire to have considered in my case.

If you should find any other witnesses whose testimony you want to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No sir.

Q You don't speak or understand the Choctaw language, do you? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates--her hair, however, is inclined to be straight--she has the features and facial expression of a negro--she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of April, 1902, at Meridian, Mississippi.

L. B. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M.C.R. 5292.

Muskogee, Indian Territory, December 2, 1902.

Callie Newman,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harriet Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Harriet Washington, et al.	M.C.R. 5291
Callie Newman, et al.	M.C.R. 5292
Nellie Smith, et al.	M.C.R. 5293
Sallie Bowman, et al.	M.C.R. 5294

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Janie Washington, Callie Newman,

Nellie Newman, Charlie Newman, Hattie Newman, Onie Newman, Nellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Sallie Bowman, Theon Bowman, Bertha Bowman, and Jamison Bowman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such, should be referred, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Lamar Dickey.

Acting Chairman.

Registered.

NOV 22 1902

COPY:

Muskogee, Indian Territory July 17, 1902.

Callie Newman,
Kauco City, Mississippi.

Dear Madam:

You are hereby notified that on the 19th day of June 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harriet Washington et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

No. 5292

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 17 1912

Name Callie Newman

Age 32 Blood 1/8

Post Office, Saxon Lodge, Miss.

Father: Ben Washington d

Mother: Harriet " L

Claims through mother
husband
Lawrence Newman L
no claim for him

To

Children:

Nellie Newman 15

Charlie " 12

Hattie " 9

Onie " (F) 5

Stenographer J. J. Niles.

Choctaw MCR 5293

Nellie Smith

See MCR 5291

MCR 5293

5793

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Nellie Smith for the identification of herself and five minor children, Eugene Jr., Claude, Curtis, McKinley and Alex, as Mississippi Choctaws.

Said Nellie Smith, being first duly sworn, testified as follows:

APPEARANCES; S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Examination by the Commission.

- Q What's your name? A Nellie Smith.
Q How old are you? A Thirty-one.
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Yazoo City.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Ben Washington.
Q Is your mother living? A Yes sir.
Q What's her name? A Harriet Washington.
Q Is she the Harriet Washington who appeared before the Commission here this morning? A Yes sir.
Q Did your father have any Choctaw Blood? A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Eugene Smith.
Q Has he any Choctaw blood? A No sir.
Q You don't claim for him, then? A No sir.
Q How many children have you living? A Five.
Q What are their names and ages? A Eugene Jr., thirteen.
Q Next one? A Claude, twelve.
Q Boy? A Yes sir.
Q Next one? A Curtis, ten.
Q Next one? A McKinley, five.
Q Next one? A Alex, one.
Q Are these children all living with you at this time? A Yes sir.
Q Are they all the children of yourself and Eugene Smith? A Yes sir.
Q This application, then, is for yourself and five minor children, is that right? A Yes sir.
Q Has any application of any kind ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q You heard the entire examination of your mother, did you not? A Yes sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than your mother does? A No sir, not a thing.

Nellie Smith et al--2

Q Do you know whether any of your ancestors ever got any of this scrip provided for in the act of Congress approved August 23, 1842, from the Government? A No sir.

Q If any of your people ever received any benefits whatever as Choctaw Indians, then, you never heard of it? A No sir.

Q Do you know of any old person living who would likely know more about this matter than you? A No sir.

Q You have no witnesses here today? A No sir.

Q Have you any written evidence of any kind to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskegee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make in support of your application? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates--her hair, however, is inclined to be straight--she has the features and facial expression of a negro--she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of April, 1902, at Meridian, Mississippi.

L. B. Mosely
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY

M.O.R. 5293.

Muskogee, Indian Territory, December 1, 1902.

Nellie Smith,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harriet Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Harriet Washington, et al.	M.O.R. 5291
Callie Newman, et al.	M.O.R. 5292
Nellie Smith, et al.	M.O.R. 5293
Sallie Bowman, et al.	M.O.R. 5294

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Janie Washington, Callie Newman,

Nellie Newman, Charlie Newman, Hattie Newman, Onie Newman, Nellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Sallie Bowman, Theon Bowman, Bertha Bowman, and Jamison Bowman, as Chootaw Indians entitled to rights in the Chootaw lands under the provisions of said article fourteen of the treaty of 1832, and that the application of said article should be carried out.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Birby.

Acting Chairman.

Registered.

M C R 2293

Mustagee, Indian Territory, July 17, 1903.

Nellie Smith,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 19th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harriet Washington et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

FILED

T. B. McAllen.
Commissioner in Charge.

No. 5293

For Identification as a Mississippi Choctaw.

Meridian Miss. APR 17 1902

Date

Name

Nellie Smith

Age

31

Blood

1/8

Post Office,

Yazoo City Miss.

Father:

Ben Washington d

Mother:

Harriet

Claims through

mother

husband

Engine Smith

No claim for land.

Children:

Engine Smith Jr 13

Claude " 12

Curtis " 10

McKinley " 5

Alex " 1

Stenographer

J. L. Riley

Choctaw MCR 5294

Sallie Bowman

See MCR 5291

MCR 5294

5294

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Sallie Bowman for the identification of herself and three minor children, Theon, Bertha and Jamison, as Mississippi Choctaws.

APPEARANCES: E.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Sallie Bowman, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A Sallie Bowman.
Q How old are you? A Twenty-six. -
Q How much Choctaw blood have you? A One-eighth.
Q What's your postoffice address? A Yazoo City.
Q How long have you lived in Choctaw County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Ben Washington.
Q Is your mother living? A Yes sir.
Q What's her name? A Harriet Washington.
Q Is she the Harriet Washington who appeared before the Commission here this morning? A Yes sir.
Q Your father had no Choctaw blood? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What's his name? A Eddie Bowman.
Q Has he any Choctaw blood? A Not that I know of.
Q You make no claim for him, then? A No sir.
Q How many Children have you living? A Three.
Q What are their names and ages, the oldest first? A Theon, eight.
Q Boy? A Yes sir.
Q Next one? A Bertha, four.
Q Next one? A Jamison, two.
Q Is that all of your children? A Yes sir.
Q Are these children all living with you at this time? A Yes sir.
Q This application, then, is for yourself and three minor children? A Yes sir.
Q They are all the children of yourself and Eddie Bowman, are they? A Yes sir.
Q Has any application of any description ever been made before today for you or any one of these three children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q You were present and heard the examination of your mother, Harriet Washington? A Yes sir.
Q Do you know anything further than that testified to by her with reference to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Sallie Bowman et al--2

Q Do you know of any old person living who would likely know more about it than your mother does? A No sir.

Q Do you now whether any of your ancestors appeared before any of these Commissioners appointed under the acts of Congress between the years 1837 and 1842 and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

A No sir.

Q Do you know whether any of your ancestors ever got any scrip from the Government under the act of Congress approved August 23, 1862?

A No sir.

Q Have you any witnesses here today? A No sir, none but my mother's witness.

Q What's her name? A Mollie Cooks--I want her evidence considered in my case.

Q Have you any written evidence of any kind to offer? A No sir.

Q Is there any further statement you want to make in support of your application? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates--her hair, however, is inclined to be straight--she has the features and facial expression of a negro--she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of April, 1902, at Meridian, Mississippi.

L. B. Massey
Clerk U. S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M.C.R. 5294.

Muskogee, Indian Territory, December 1, 1902.

Sallie Bowman,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harriet Washington, et al., embracing the following applications for identification as Mississippi Choctaws:

Harriet Washington, et al.	M.C.R. 5291
Sallie Newman, et al.	M.C.R. 5292
Nellie Smith, et al.	M.C.R. 5293
Sallie Bowman, et al.	M.C.R. 5294

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Washington, Janie Washington, Sallie Newman,

Nellie Newman, Charlie Newman, Mattie Newman, Onie Newman, Nellie Smith, Eugene Smith Jr., Claude Smith, Curtis Smith, McKinley Smith, Alex Smith, Sallie Bowman, Theon Bowman, Bertha Bowman, and Jamison Bowman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be returned to the land office.

You are further advised that you will be allowed ten days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Wm. L. Long.

Acting Chairman.

Registered.

N C R 2294

COPY.

Muskegee, Indian Territory, July 17, 1903.

Sallie Bowman,
Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 19th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harriet Washington et al., of which decision you were advised by registered mail on the 2nd day of December 1902.

Respectfully,

CC: D

T. F. McCall
Commissioner in Charge.

No.

5234

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 17 1902

Name Sallie Bowman

Age 26 Blood 1/8

Post Office, Yazoo City, Miss.

Father: Ben Washington L

Mother: Harriet " L

Claims through mother
husband
Eddie Bowman
no claim for husband.

For

Children:

Theon Bowman	m	8
Bertha	"	4
Jamison	"	2

Stenographer

J. A. Niles

Choctaw MCR 5295

Chaney Jones

See MCR 5260

MCR 5295

5245

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Chaney Jones for the identification of herself and six minor children, Freeman, Ollie, Abraham, Elijah, Amy and Nero, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Chaney Jones, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Chaney Jones.
Q How old are you? A Thirty-eight.
Q How much Choctaw blood have you? A Quarter.
Q What's your postoffice address? A Vaughn, Mississippi.
Q What County? A Yazoo.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Wade Bell.
Q Is your mother living? A No sir.
Q What was her name? A Amy.
Q Through which one of your parents did you get your Choctaw blood?
A My father.
Q How old would he be if he were living now? A I couldn't tell.
Q About how old? A About seventy, I suppose.
Q How much Choctaw blood did he have? A Half.
Q Did he live in the State of Mississippi all his life? A I don't know whether he did or not.
Q You don't know where he lived prior to your birth? A No.
Q Was he a slave? A Yes sir.
Q Do you know through which one of his parents he got his Choctaw blood? A From his father.
Q What was his father's name? A I don't know, sir, he was known to be an Indian chief.
Q Where did he live? A I don't know, sir.
Q You don't know anything about him at all? A No sir.
Q How did you find out he was an Indian? A My father told me.
Q Do you know how much Indian blood he had? A My father told me he was a whole Indian--an Indian chief.
Q What kind of an Indian was he? A Choctaw.
Q What was the name of your father's mother? A Easter.
Q Was she a slave? A Yes sir, I suppose she was.
Q Did she ever have any other children by this Choctaw Indian besides your father? A Yes sir, he said he had two sisters.
Q Did they have the same father as he did, these two sisters? A I don't know, sir.
Q You don't know whether this Indian was married to your father's mother or not? A No sir.
Q Or whether they lived together as husband and wife? A No sir.
Q Were your father and mother married? A Yes sir, they said they were.
Q How long did they live together as husband and wife? A I don't know how long.

Q About how long? A About twelve years I reckon.
Q How long after the close of the Civil war did they live together?
A Six years, I think.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Dick Jones.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him, then? A No sir.
Q How many children have you living? A Six.
Q What are their names and ages, the oldest first? A Freeman-
he will be fifteen the ninth day of this coming June.
Q Next one? A Ollie.
Q Boy or girl? A Boy.
Q How old is Ollie? A Thirteen.
Q Next one? A Abraham.
Q How old? A Eleven.
Q Next one? A Elijah.
Q How old? A Nine.
Q Next one? A Amy.
Q Is that a boy or girl? A Boy.
Q How old? A Eight.
Q Next one? A Nero.
Q How old? A Six.
Q Is that all your children? A Yes sir.
Q Are they all living with you at this time? A Yes sir.
Q Are they all the children of yourself and Dick Jones? A Yes sir.
Q This application, then, is for yourself and six minor children, is that right? A Yes sir.
Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these six minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Not altogether.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put into the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new Nation west of the Mississippi River might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he

or she shall thereupon ~~be~~ be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall ~~issue~~ issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Did any of them, in fact, live here at that time, 71 or 72 years ago?

A My grandfather was here I suppose--I don't know whether he was living at that time.

Q Do you know where he was living then? A No sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear of any of your people ever having gotten any land here in Mississippi from the Government? A No sir.

Q Or ever having received any benefits whatever as Choctaw Indians? A Not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and

take land, and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a State of facts--any papers, deeds, patents, papers of any kind? A No sir.

Q Have you any witnesses here today to testify in your case? A No sir.

Q Have you any written evidence of any kind to offer? A Yes sir.

The affidavit of Dr. W. H. Andersen is offered in evidence, identified as Exhibit A, filed and made a part of the record in this case.

Chaney Jones et al--5

- Q Who is Dr. Anderson whose affidavit you submit here? A He's my father's young master.
Q Where does he live? A Pickens, Holmes County, Mississippi.
Q Is this all the evidence you have? A Yes sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Six, I believe.
Q Has any one of them been before the Commission? A Yes sir.
Q How many of them? A One.
Q What's his name? A Wade Bell.
Q When did he appear before the Commission? A Tuesday of this week, I think.
Q What are the names of those brothers? A Wade Bell, Milton Bell, Fayette Bell, Wash Bell, Cleveland Bell, Wade Bell Jr.
Q There are two Wades in the same family who are brothers? A Yes sir.
Q How many sisters have you living? A I don't know exactly how many.
Q Name over all you remember? A Alice Sessions.
Q She has already appeared before the Commission, hasn't she? A Yes sir.
Q Next one? A Emma George.
Q Next one? A Lola Bell.
Q Next one? A Isabel Bell.
Q Next one? A Louis Bell.
Q Next one? A Bessie Bell.
Q Next one? A Ida Bell.
Q Next one? A Carrie Bell.
Q Next one? A That's all.
Q You don't speak or understand the Choctaw language, do you? A No sir.

By Mr. Beadle:

I desire to offer in evidence Section 22 of the Constitution of the State of Mississippi, adopted December 1st, 1859, which is as follows:

"All persons who have been married but are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law as married and their children whether born before or after the ratification of this Constitution, shall be legitimate and the Legislature may, by law, punish adultery and concubinage."


By Commission:

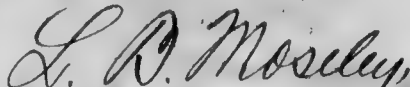
The applicant has the appearance of being possessed of a

Chaney Jones et al--6

mixture of negro and either white or Indian blood, in which the negro blood largely predominates. She has the features and facial expression of a negro--her hair is somewhat inclined to be straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 23rd day of April, 1902,
at Meridian, Mississippi.


Clerk U.S. Circuit Court, Southern
District of Mississippi.

By 

Deputy.

COPY.

M.C.R. 5295

Muskogee, Indian Territory, February 5, 1903.

Chaney Jones,

Vaughan, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wade Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

Wade Bell, et al.	M.C.R. 5280
Chaney Jones, et al.	M.C.R. 5295
Alice Sessions, et al.	M.C.R. 5289
Emma George, et al.	M.C.R. 5296
Lela Bell	M.C.R. 5297

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Lela Bell, Thomas M. Bell, Mattie Bell, Lillie C. Bell, Lela B. Bell, Wade Bell, Jr., Chaney

Chaney Jones,—2

Jones, Freeman Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Hero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Emma George, Harvey George, Jr., Eddie George, Thomas J. George and Lela Bell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Brantley
Commissioner in Charge.

Registered.

COPY.

M.O.R. 5295

Muskogee, Indian Territory, May 30, 1903

Chaney Jones,

Vaughan, Mississippi.

Dear Madam:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

SIGNED

Tamc Ditty.
Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name

Chailey Jones.

Age

38

Blood

1/4

Post Office,

Vaughan, Miss.

Father:

Wade Bell d

Mother:

Amy " d

Claims through husband

father.

Dick Jones

no claim for him.

Children:

Freeman Jones 14

Ollie " (M) 13

Abraham " 11

Elijah " m 9 1/2

Amy " 6

Stenographer

J. S. & D. S.

Choctaw MCR 5296

Emma George

See MCR 5260

MCR 5296

5296

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Emma George for the identification of herself and three minor children, Harvey, Eddie and Thomas J., as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Emma George, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Emma George.
Q How old are you? A Twenty-four.
Q How much Choctaw blood have you? A Quarter.
Q What's your postoffice address? A Vaughan, Mississippi.
Q What County do you live in? A Yazoo.
Q How long have you lived in Yazoo County? A I've always lived there.
Q Is your father living? A No sir.
Q What was his name? A Wade Bell.
Q Is your mother living? A Yes sir.
Q What's her name? A Martha Bell.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q Your mother has no Choctaw blood at all? A No sir.
Q Are you a half sister of Chaney Jones who has just given in her testimony before the Commission? A Yes sir.
Q Your father was the same man? A Yes sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Harvey George.
Q Has he any Choctaw blood? A Not as I know of.
Q You make no claim for him then? A No sir.
Q How many children have you living? A Three.
Q What are their names and ages? A Harvey.
Q How old? A Five years old.
Q Next one? A Eddie.
Q How old is he? A Two years old.
Q Next one? A Thomas J.
Q How old is he? A About six months old.
Q Are these children all living with you at this time? A Yes sir.
Q Are they all the children of yourself and Harvey George? A Yes sir.
Q This application, then, is for yourself and three minor children, is that right? A Yes sir.
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and three minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.

Q Did any of your forefathers ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Did any of them live here at that time to your knowledge-71 or 72 years ago? A I don't know, sir.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever get any land here in Mississippi from the Government of the United States to your knowledge? A No sir.

Q Did you ever hear of any of your people ever having gotten any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to stay here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to certain rights under this 14th article of the treaty. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had

Burna George et al--3

complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress, to your knowledge? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your people ever complied with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Not as I know of.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A Yes sir.

The affidavit of Dr. W. H. Anderson is offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

Q Have you any witnesses here today to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q You don't speak or understand the Choctaw language, do you? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. She has the features and facial expression of a negro--her hair is somewhat inclined to be straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

Emma George et al---4

all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. A. Mosley
Subscribed and sworn to before me this the 23rd day of April, 1902,
at Meridian, Mississippi.

L. A. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M.C.R. 5296

Muskogee, Indian Territory, February 5, 1903.

Emma George,

Vaughan, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wade Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

Wade Bell, et al.	M.C.R. 5280
Chaney Jones, et al.	M.C.R. 5295
Alice Sessions, et al.	M.C.R. 5269
Emma George, et al.	M.C.R. 5296
Lela Bell	M.C.R. 5297

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Lela Bell, Thomas M. Bell, Mattie Bell, Lillie C. Bell, Lela B. Bell, Wade Bell, Jr., Chaney Jones,

Emma George,—2

Freeman Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Nero Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Emma George, Harvey George, Jr., Eddie George, Thomas J. George and Lela Bell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Brown

Commissioner in Charge.

Registered.

M C R 5296
M C R 5297

Muskogee, Indian Territory, February 26, 1903.

Wanna George,

Vaughns Station, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and Lela Belle, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and the application made by Lela Belle for the identification of herself as a Mississippi Choctaw.

In reply to your letter you are informed that the fifteen days from February 5, 1903, heretofore granted you within which to file arguments in support of your claims to be forwarded to the Secretary of the Interior, expired on February 20, 1903. On February 21, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

M.C.R. 5296

COPY.

Muskegee, Indian Territory, May 20, 1903.

Emma George,

Vaughan, Mississippi.

Dear Madam:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

(SIGNED)

John
Chairman.

2044

No. 5236

For Identification as a Mississippi Choctaw

Meridian Miss

Date

APR 17 1902

Name

Emma George

Age

24

Blood

1/4

Post Office,

Vaughan, Miss.

Father:

Wade Bell - d

Mother:

Martha Bell - L

Claims through

husband - L

Harvey George - L

no claim for husband,

L

Children:

Harvey George 5

Oddie " 9

Thomas J. " 6 mo

Stenographer

J. S. Kilez

Choctaw MCR 5297

Lela Bell

See MCR 5260

MCR 5297

5297

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Lela Bell for identification as a Mississippi Choctaw.

APPEARANCES: E.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Lela Bell, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Lela Bell.
Q How old are you? A Twenty.
Q How much Choctaw blood have you? A Quarter.
Q What's your postoffice address? A Vaughan, Mississippi.
Q What County? A Yancey County.
Q How long have you lived in Yancey County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Wade Bell.
Q Is your mother living? A Yes sir.
Q What's her name? A Martha Bell.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Are you a full sister of Emma George who has just been before the Commission? A Yes sir.
Q And you are a half sister of Chaney Jones, are you, who has just been before the Commission? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q This application, then, is for yourself only, is that right? A Yes sir.
Q Has any application of any kind ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi land along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th

Lola Bell--2

article was put in the treaty; that 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new Nation might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek in full--do you think you understand that now? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Did any of them live here at that time? A I don't know, sir.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the Treaty of Dancing Rabbit Creek? A I don't know, sir, whether they did or not.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No sir.

Q Or any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of

the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors ever appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any witnesses here today to testify in your case? A No sir.

Q Any written evidence of any kind you wish to offer? A Yes sir.

Lela Bell--4

The affidavit of Dr. W. H. Anderson is offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

- Q Is Dr. Anderson any relation to you? A No sir.
Q Is this all the evidence you have? A Yes sir.
Q Are there any further statements you want to make at this time?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the features and facial expression of a negro--looks as if she might be a full blood negro except that her hair is inclined to be straight--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 23rd day of April, 1902, at Meridian, Mississippi.

L. B. Mosely
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

OPY,

M.C.R. 5297

Muskogee, Indian Territory, February 5, 1903.

Lela Bell,

Vaughan, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wade Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

Wade Bell, et al.,	M.C.R. 5260
Chaney Jones, et al.	M.C.R. 5295
Alice Sessions, et al.	M.C.R. 5269
Emma George, et al.	M.C.R. 5296
Lela Bell	M.C.R. 5297

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Wade Bell, Minnie Bell, Lela Bell, Thomas M. Bell, Mattie Bell, Lillie C. Bell, Lela B. Bell, Wade Bell, Jr., Chaney Jones,

Lela Bell, —2

Freeman Jones, Ollie Jones, Abraham Jones, Elijah Jones, Amy Jones, Nere Jones, Alice Sessions, Richard Sessions, Charlotte Sessions, Sarah Sessions, Emma George, Harvey George, Jr., Eddie George, Thomas J. George and Lela Bell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Brackinridge
Commissioner in Charge.

Registered.

M C R 5296
M C R 5297

Muskogee, Indian Territory, February 26, 1903.

Emma George,

Vaughns Station, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of the joint letter of yourself and Lela Belle, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and the application made by Lela Belle for the identification of herself as a Mississippi Choctaw.

In reply to your letter you are informed that the fifteen days from February 5, 1903, heretofore granted you within which to file arguments in support of your claims to be forwarded to the Secretary of the Interior, expired on February 20, 1903. On February 21, 1903, the record in your cases, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 20, 1903.

Lela Bell,

Vaughan, Mississippi.

Dear Madam:

You are hereby notified that on the 8th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wade Bell, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

(SIGNED).

Tamc Dixey.
Chairman.

#20.

No

527

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 1, 1902

Name

Lila

Dee

Age

20

Blood

1/4

Post Office,

Vernon, Miss.

Father:

Wade

Beck

d

Mother:

Martha

"

L

Claims through

father

Children:

Stenographer

J. S. Niles

Choctaw MCR 5298

Nora Moore

MCR 5298

5298

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Nora Moore for the identification of herself and five minor children, Leola Sanders, Willie, Rosie E., Mark A., and Benjamin F. Moore, as Mississippi Choctaws.

APPEARANCES: S. A. Beadle, attorney for applicant,
A. W. Jones, Agent for applicant.

Said Nora Moore, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Nora Moore.
Q How old are you? A Going on thirty-two.
Q How much Choctaw blood have you? A Half.
Q What's your postoffice address? A Minden, Mississippi.
Q Kemper County? A Yes sir.
Q How long have you lived in Kemper County? A I've just moved there this year but I've lived there before.
Q What other county in this State have you lived in? A Sumter County.
Q Alabama? A Yes sir.
Q Have you lived in Mississippi and Alabama all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A Ben Scott.
Q Is your mother living? A No sir.
Q What's her name? A Easter.
Q What other name did she have? A Sheard.
Q Through which one of your parents did you get your Choctaw blood? A Father.
Q Is your father a full blood Choctaw? A Yes.
Q Has he any other children living? A Yes sir.
Q Do you know their names? A Yes sir.
Q What are their names? A The oldest boy is named Reed; Bettie, Margaret, Clayborn, Seaborn, Nickodemus, Susie and Rody.
Q Where does your father live? A Blacks Bluff.
Q In what County? A Choctaw.
Q Alabama? A Yes sir.
Q You are sure that he's a full blood Choctaw, are you? A Yes sir.
Q Has he lived there in Choctaw County all his life? A I don't know, sir--I left there when I was a quite a baby. My mother's sister raised me. I wrote to him about the Commission and he said for me to come and he said he had done been.
Q How long has your mother been dead? A I was nine years old when she died.
Q Were your father and mother married? A No sir, not that I can give any account of, I was so young.
Q Do you know whether they ever lived together as husband and wife? A Yes sir, I guess they did.
Q Your mother was a slave, wasn't she? A Yes sir.
Q Did you ever have any full brothers and sisters? A No sir.
Q Do you know the names of Ben Scott's parents? A No sir, he

never was with me long enough to tell me his parents' names.

Q Did he live with your mother after you were born? A Yes sir.

Q How long after you were born? A I don't know, sir.

Q Did she marry someone else before she died? A Yes sir.

Q How long before she died? A I couldn't tell how long it was--I was quite young. I couldn't recollect.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What's his name? A Larkin Moore.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him, then? A No sir.

Q How many children have you living? A Five.

Q What are their names and ages, the oldest first? A Leola Sanders.

Q How old is she? A Going on thirteen.

Q What was her father's name? A Joe Sanders.

Q You have been married twice, then? A Yes sir.

Q Did Joe have any Choctaw blood? A No sir.

Q Next child? A Willie Moore.

Q Boy? A Yes sir.

Q How old is he? A Four years old.

Q Next one? A Resie E.

Q How old is she? A Three years old.

Q Next one? A Mark A.

Q How old? A Two years old.

Q Next one? A Benjamin F.

Q How old is he? A Four months old.

Q Is that all your children? A Yes sir.

Q This application, then, is for yourself and five minor children? A Yes sir.

Q Has any application ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and six minor children, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the 14th article? A No sir, not altogether.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th

article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new country might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek, do you understand it? A Yes sir.

Q Did any of your ancestors, your old folks, forefathers, ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I couldn't say.

Q Did any of them live here at that time, 72 years ago, nearly? A I don't know, sir.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know nothing more of them but my father.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to

remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir, not as I know of. I wasn't acquainted with any of my other foreparents but my father.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any witnesses here today? A No sir.

Q Have you any written evidence of any kind to offer at this time? A Steve Knox was my father's witness and he lives here in this town but I couldn't find him. Uncle George Ead was another one; he lives where I live but he's very old and couldn't come.

Nora Moore et al--5

Q What does he know about your case,? A He know papa was an Indian and a free man all his life.

Q Is that all he knows? A Yes sir, that's all.

Q He doesn't know whether any of your people ever complied with this treaty provision, or not? A No sir.

Q Do you know of anyone who would know that? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q You have no full brothers or sisters living, I believe? A No sir.

Q Has your father any brothers or sisters living, to your knowledge? A Not as I knows of.

Q Did he ever have any that you know of? A No sir.

Q Is there anything further you want to say? A No sir.

Q Did your father, after your birth, look after you and support you or did your mother support you? A Up until my mother died--she willed me to my aunty.

Q Up to the time your mother died your father supported you and looked after you? A Yes sir, and after she died and willed me to my aunty he didn't know where I was. When he brought in my application he didn't know where I was then.

Q You don't speak or understand the Choctaw language, do you? A No sir, I wasn't raised with the language, at all. Where I live at there isn't anyone there acquainted with me at all more than this old gentleman George Ead.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood. She has the facial expression of a negro though her features resemble somewhat those of an Indian--she has straight black hair. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 24th day of April, 1902,

Eora Moore et al--s

at Meridian, Mississippi.

L. B. Mesley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY

Muskogee, Indian Territory, July 29, 1904.

Nora Moore,

Minden, Mississippi,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott et al., including you and your children, Leola Sanders, Willie Moore, Rosie E. Moore, Mark A. Moore and Benjamin F. Moore.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 5298.

Muskogee, Indian Territory, August 17, 1904.

Hera Moore,

Yerk Station, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing letter from this office to you under date of July 29, 1904, notifying you of the refusal of your application for identification as a Mississippi Choctaw and allowing you 15 days in which to file argument. You now ask that this time be extended.

In reply you are informed that the 15 days heretofore allowed you in your case expired on August 13, 1904, and on August 15, 1904, the record in the consolidated Mississippi Choctaw case of Ben Scott, et al., of which your application is a part, together with the Commission's decision refusing the several applications therein, was forwarded to the Secretary of the Interior. You will be notified of such action as may be taken by him.

The fifteen days allowed Mississippi Choctaw applicants in which to file argument in support of their claims to be forwarded to the Secretary of the Interior are granted under specific departmental instructions and cannot be extended.

Respectfully,

Commissioner in Charge.

DEPT.

Muskogee, Indian Territory, November 1, 1904.

Nora Moore,

Minden, Mississippi,

Dear Madam:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and your children, Leola Sanders, Willie Moore, Rosie E. Moore, Mark A. Moore and Benjamin F. Moore, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

#2046

No. 5238

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

APR 17 1902

Name

Nora Moore

Age

31

Blood

1/2

Post Office,

Hendon, Miss.

Father:

Ben Scott L.

Mother:

Easter Sheard d

Claims through father.
husband

Larkin Moore

No claim for husband.

For

Children:

Leola

Sandra

12

Father for

" No Choctaw blood. &

Willie

Moore

(M) 4

Rosie E

"

3

Mark A.

"

2

Benjamin F

"

4 mo

Stenographer

J. S. Kelly

Nora Moore, et al.

DECISION

JUL 29 1904

REFUSED.

NOTICE OF DECISION FORWARDED
17.5298 APPLICANT

COPY

FILED

RECORDED

RECORD FORWARDED DEPARTMENT

AUG 15 1904

FC

RECORDED

Choctaw MCR 5299

Andrew Smith

See MCR 5300, 5301

MCR 5299

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Andrew Smith, et al.,
for identification as Mississippian Choctaws, consolidating the
applications of -

Andrew Smith, et al.,	M.C.R. 5299
Mary Walker,	M.C.R. 5300
Joe Cucksey, et al.,	M.C.R. 5301

List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of Andrew Smith, et
al.

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Original application of Andrew Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Copy of letter of Commission to A. W. Jones, dated June 11, 1902	6
Affidavit of Andrew Smith	7
Copy of letter of Commission to A. W. Jones, dated June 30, 1902	8
Copy of letter of Commission to Andrew Smith, dated June 30, 1902	10
Affidavit of Andrew Smith	12
Joint affidavit of Louis Hay and William Marton ...	14
Copy of letter of Commission to Andrew Smith, dated July 23, 1902	15
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Copy of letter of Commission to Andrew Smith, dated August 8, 1902	19
Original application of Mary Walker to the Dawes Com- mission for identification as a Mississippi Choctaw	20
Affidavit of Jane Birdsong	24
Original application of Joe Cooksey, et al., to the Dawes Commission for identification as Mississippi Choctaws	25
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Decision of the Commission refusing the consolidated appli- cation of Andrew Smith, et al., for identification as Mississippi Choctaws	32

5299

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Andrew Smith for the identification of himself and six minor children, Dennis, Anna, Robert, Matthew, Malinda and Richard, as Mississippi Choctaws.

APPEARANCES: B.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Andrew Smith, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Andrew Smith.
- Q How old are you? A Forty.
- Q How much Choctaw blood have you? A I don't know, sir--my mother was a half Indian--she told me many a time that her mother was a whole Indian.
- Q What kind of Indian? A Choctaw.
- Q Your father had no Choctaw blood? A No.
- Q What's your postoffice address? A Yazoo City.
- Q How long have you lived in Yazoo County? A About twenty-one years.
- Q Where did you live before that? A In Madison and Leake Counties.
- Q Where were you born? A In Leake County.
- Q Is your father living? A No sir.
- Q What was his name? A Jack Preer.
- Q Is your mother living? A No sir.
- Q What was her name? A Martha Cooksey.
- Q Your father had no Choctaw blood? A No sir.
- Q And you claim your mother was a half? A Yes sir.
- Q How old would your mother be if she were living now? A About sixty or seventy years old.
- Q Where was she born? A In Madison County, along the line of Neshoba, and Leake.
- Q Where was she born? A In Neshoba County.
- Q Was she a slave? A Yes sir.
- Q Did she speak the Choctaw language? A Right smart.
- Q Do you speak or understand it? A No sir.
- Q How do you know your mother spoke the Choctaw language, then?
- A I've heard them speak it and I've heard her. I never could speak it.
- Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.
- Q What was her mother's name? A Silla.
- Q Silla what? A I don't know the other part of it.
- Q Did you ever see Silla? A I remember seeing her once--she died when I was very small.
- Q How much Choctaw blood did she have? A She said she was a full blood.
- Q Was she a slave? A No sir, I don't think she was.
- Q Where did she live during her life time? A In Madison County.
- Q Mississippi? A Yes sir.
- Q Did she always live in the State of Mississippi? A Yes sir.

Andrew Smith et al--2

- Q Did she have a Choctaw name? A I don't know much about that-- I was very young when she died.
- Q Do you know the names of her parents? A No sir.
- A Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q Been married more than once? A No sir.
- Q What's your wife's name? A Temple.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her, then? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Six.
- Q What are their names and ages? A Dennis, fifteen; Anna, twelve; Robert, ten; Matthew, eight; Malinda, four; Richard, two.
- Q Is that all of your children? A Yes sir.
- Q Are they all living with you at this time? A Yes sir.
- Q They are all the children of yourself and your wife Temple? A Yes sir.
- Q This application, then, is for yourself and six minor children? A Yes sir.
- Q Were you married to Temple under a license? A Yes sir.
- Q When? A In '82 or '83.
- Q Where did you get your license? A Yazoo City.
- Q Who married you? A Elder Huston.
- Q Preacher? A Yes sir.

It will be necessary to furnish the Commission with proper evidence of your marriage to your wife Temple for use in connection with the application you make for your six minor children. This evidence should be furnished within thirty days from this date, if possible.

- Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not that I know of.
- Q This is the first application of any kind you ever made, is it? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A No sir, not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.
- Q Did any of them live here at that time to your knowledge? A I couldn't tell you.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
- Q Did any of them within six months after the treaty of Dancing

Andrew Smith et al---3

Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any land anywhere from the Government? A Not that I know of.

Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Andrew Smith et al---4

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No sir, not that I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any witnesses here today to testify in your behalf? A No sir.

Q Any written evidence of any kind to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Two.

Q What are their names? A Joe Cooksey, and Bill Cooksey. Bill isn't here; I don't know where he's at--I think he's in Washington County. I don't know whether he's living or dead.

Q Have you any brothers dead who left children? A No sir.

Q Have you any sisters living? A Yes sir.

Q How many? A Two.

Q What are their names? A Mary Walker--she's here today.

Q Next one? A Henrietta Cooksey--she isn't here.

Q How does it come that your name is Andrew Smith and your brother is named Cooksey? A My mother was married twice--her last husband was Cooksey.

Q Have you any sisters dead who left children? A No sir.

Q Has your mother any brothers or sisters living? A No sir.

Q Did she ever have any brothers or sisters to your knowledge?

A She had one sister to my knowledge but I think she's dead.

Q Are any of her children living? A No sir.

Q Are any of Silla's brothers or sisters or any of their children living? A No sir.

Q Are any of Silla's grandchildren living? A No sir.

The applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian,

Andrew Smith et al--s

Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this 24th day of April, 1902,
at Meridian, Mississippi.

L. B. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

L. & D.
Coll.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Andrew Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Andrew Smith, et al.,	M.C.R. 5299
Mary Walker,	M.C.R. 5300
Joe Cocksey, et al.,	M.C.R. 5301

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Andrew Smith for himself and his six children, Dennis, Anna, Robert, Matthew, Malinda and Richard Smith; by Mary Walker for herself; and by Joe Cocksey for himself and his three minor children, Jerry, Emanuel and William Cocksey, under the following provision of the act of Congress approved June 23, 1898, (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Silla (or Priscilla Prier, or Cilla Prier), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Silla (or Priscilla Prier, or Cilla Prier), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to

either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew Smith, Dennis Smith, Anna Smith, Robert Smith, Matthew Smith, Malinda Smith, Richard Smith, Mary Walker, Joe Cocksey, Jerry Cocksey, Emanuel Cocksey and William Cocksey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory.

DEC 2 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Miss. Chootaw R5299

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1902.

Andrew Smith,

Yazoo City, Mississippi,

Dear Sir:

The Commission is today in receipt, from A. W. Jones, Muskogee, Indian Territory, of your affidavit, relative to your marriages.

You are advised that it appears from our records that at the time you applied to this Commission for the identification of yourself and your six minor children, Dennis, Anna, Robert, Matthew, Malinda and Richard Smith, as Mississippi Chootaws, you stated that you had only been married once and that your wife's name was Tempie Smith; that she was the mother of your six children and that you were married to her under a license in 1882 or 1883. On June 10, 1902, there were forwarded to the commission for filing in this case, the certificate of T. A. Kelly, Circuit Clerk of Yazoo County, to the issuance of marriage license to Andrew Smith and Mary Alice Bowie and joint affidavit of Oscar Johnson and Louvenia Johnson to the marriage of Andrew Smith and Mary Alice Bowie. These were returned to A. W. Jones, on June 11, 1902, with the request for an explanation of the discrepancy in names. There is now received your affidavit stating

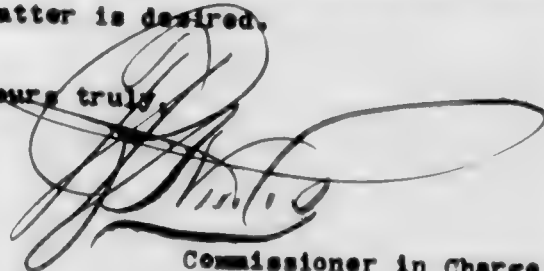
A.B. 2

that in January 1873 you were married to Mary Alice Bowie and by that marriage there were born to you six children; that Mary Alice Smith died in June 1888, and that on August 11, 1892, you married Tempie Longstreet, and that no children have been born as the result of this marriage.

It appears from our records and from your affidavit, that the children for whom application is made are aged fifteen, twelve, ten, eight, four and two years old respectively; that Mary Alice Smith, who, according to your affidavit, is the mother of these children, has been dead twenty years; that you were married to Tempie Smith, who, according to your testimony at the time of your application, is the mother of these children, ten years ago.

You are now advised that it will be necessary for you to inform the Commission who is the mother of these children; whether they are now living or dead; if they are living, it will be necessary for you to furnish the Commission evidence of your marriage to their mother, and also the affidavits of two disinterested persons who know, of their own knowledge, that the children are now living. Your early attention to this matter is desired.

Yours truly,

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the typed name.

Commissioner in Charge.

COPY

Muskogee, Indian Territory, December 2, 1902.

Andrew Smith,

Yazoo City, Mississippi.

Dear Sir:-

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew Smith, et al., M.C.R. 5299;
Mary Walker, M.C.R. 5300;
Joe Cooksey, et al., M.C.R. 5301.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew Smith, Dennis Smith, Anna Smith, Robert Smith, Matthew Smith, Malinda Smith, Richard Smith, Mary Walker, Joe Cooksey, Jerry

A. S., 2.

Cooksey, Emanuel Cooksey and William Cooksey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 2, 1902.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew Smith, et al., M.C.R. 5299;
Mary Walker, M.C.R. 5300;
Joe Cocksey, et al., M.C.R. 5301.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew Smith, Dennis Smith, Anna Smith, Robert Smith, Matthew Smith, Malinda Smith, Richard Smith, Mary Walker, Joe Cocksey, Jerry Cocksey, Emanuel

S. A. B., 2.

Cooksey and William Cooksey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Francis Kirby.

Acting Chairman .

Registered.

COPY

Muskogee, Indian Territory, December 2, 1902.

A. W. Jones,
Agent.

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew Smith, et al., M.O.R.5299;
Mary Walker, M.O.R.5300;
Joe Cocksey, et al., M.O.R.5301.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew Smith, Dennis Smith, Anna Smith, Robert

A. W. J., 2.

Smith, Matthew Smith, Malinda Smith, Richard Smith, Mary Walker, Joe Cooksey, Jerry Cooksey, Emanuel Cooksey and William Cooksey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James H. Smith

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 2, 1902.

Mansfield, McTurrag & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew Smith, et al., M.C.R. 5299;
Mary Walker, M.C.R. 5300;
Joe Cooksey, et al., M.C.R. 5301.

These applications were made under the provision of the act of Congress of June 28, 1892, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew Smith, Dennis Smith, Anna Smith, Robert Smith, Matthew Smith, Valinda Smith, Richard Smith, Mary Walker, Joe Cooksey, Jerry Cooksey, Emanuel Cooksey and William Cooksey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

M., MON. & C., 2.

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S.G. 100)

Tamie Diney.

Acting Chairman.

Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Andrew Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Andrew Smith, et al.,	M.C.R. 5299
Mary Walker,	" 5300
Joe Cooksey, et al.,	" 5301

The Commission has the honor to report that the principal applicants in the several separate applications, their agent, attorney of record and attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 5299

Acting Chairman.

Rept.

75532-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON? May 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following named parties: Andrew Smith for himself and his six minor children, Dennis, Anna, Robert, Matthew, Malinda and Richard Smith; by Mary Walker for herself; by Joe Cooksey for himself and his three minor children, Jerry, Emanuel and William Cooksey, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from Priscilla, Silla or Cilla Prier or Preer, through Martha Cooksey, her daughter, mother of the principal applicant, Andrew Smith, it being claimed that Priscilla, Silla or Cilla Prier or Preer, was a citizen of the Choctaw Nation and a resident in Mississippi at the time of the making

of the treaty of 1830.

The Commission give as their reason for refusing the applicants that the names of the ancestors through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for an additional reason that they have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Priscilla, Silla or Cilla Prier or Preer and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that she applied to the Commission appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

It is therefore, the opinion of this office that the decision of the Commission rejecting the application of Andrew Smith, Dennis Smith Anna Smith, Robert Smith, Matthew Smith, Malinda Smith, Richard Smith, Mary Walker, Joe Cooksey, Jerry Cooksey, Emanuel Cooksey, and William Cooksey as Choctaw Indians entitled to participate in the distribution of land under the provisions of the aforesaid article and treaty, is correct and is accordingly recommended for approval.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

C. T. C.

DEPARTMENT OF THE INTERIOR.

WCF.

D.C.17278

WASHINGTON.

EAF.

ITD.4730-1903.

June 11, 1903.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 18, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Andrew Smith and his minor children, Dennis, Anna, Robert, Matthew, Malinda and Richard Smith; of Mary Walker; and of Joe Cooksey and his minor children, Jerry, Emanuel and William Cooksey. By decision dated December 2, 1902, you refused the applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Silla or Cilla Prier or Preer, through her daughter, Martha Cooksey, mother of the principal applicants, it being alleged that said Silla or Cilla Prier or Preer was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi in 1830.

The evidence in this case and the records of the Indian Office fail to show that any one of the alleged ancestors of the applicants complied or attempted to comply with article 14 of said treaty or with the

- 2 -

subsequent acts of Congress relating thereto.

Reporting May 28, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department has reviewed the whole record and finds no reason to disturb your decision. It is accordingly affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

M. C. R. 5299.

COPY.

Muskogee, Indian Territory, July 22, 1903.

Andrew Smith,

Yazoo City, Mississippi.

Dear Sir:-

You are hereby notified that on the 11th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew Smith et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

C. R. 5299.

COPY.

Muskogee, Indian Territory, July 22, 1903.

Manafield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 11th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew Smith et al., of which decision you were advised by mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M. C. R. 5299.

COPY.

Muskogee, Indian Territory, July 22, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 11th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew Smith et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M. C. R. 5392.

COPY.

Muskogee, Indian Territory, July 22, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:-

You are hereby notified that on the 15th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew Smith et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

CHEROKEE NATION.

CH
(NOT INC)

BLOOD				TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENT			
YEAR	DISTRICT	No.	NAME OF FATHER	YEAR	DISTRICT	NAME OF MOTHER				

Consolidated Case
of
Andrew Smith et al

1899

Silla (fb.)
 (or Priscilla Prier)
 (or Cilla Prier)
 mar
 Jack Prier

(or Martha A.)
 (60 or 70)
 Martha Cooksey $\frac{1}{2}$
 (slave) dead
 husband
 (Jack Prier?)
 dead
 Jerry Cooksey
 dead

mar
 5299
 Andrew Smith 40- $\frac{1}{4}$

mar
 (*)
 ① Mary Alice Bowie
 dead

② Tempie Longstreet

mar
 5299
 Dennis Smith 15
 " Anna " 12
 " Robert " 10
 " Matthew " 8
 " Malinda " 4
 " Richard " 2

mar
 5300
 Mary Cooksey 36- $\frac{1}{4}$
 mar
 Howard Walker

mar
 5301
 Joe Cooksey 29- $\frac{1}{4}$
 8 mar
 ① Celia Butler
 ② Polly Ann Carter

mar
 5301
 Jerry Cooksey 10
 " Emanuel " 7
 " William " 5

Bill Cooksey
 Henrietta Cooksey

Priscilla Smith

(*) See affidavit in conflict with testimony

2047 No. 3239
For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 17 1902

Date

Name

Andrew Smith

Age

40

Blood

1/4

Post Office,

Yazoo City, Miss.

Father:

Jack Preer d.

Mother:

Martha Cooksey d.

Claims through mother.

Wife

Temie Smith d.

No claim for wife.

For self

Children:

Dennis Smith 15

Anna " 12

Robert " 10

Matthew " 8

Malinda " 4

Richard " 2

mother's mother Cilla d.

Stenographer

J. L. Hiles.

Choctaw MCR 5300

Mary Walker

See MCR 5299

MCR 5300

5300

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Mary Walker for identification as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Mary Walker, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Mary Walker.
Q How old are you? A Thirty-six.
Q How much Choctaw blood have you? A One quarter.
Q What's your postoffice address? A Yazoo City.
Q How long have you lived in Yazoo County? A I came to Yazoo County in '78.
Q Where did you live before that? A In Neshubbee County.
Q How long did you live in Neshubbee County? A I don't know, sir, how long that was--I was very small.
Q Where did you live before you went to Neshubbee? A I was born in Neshoba County.
Q And lived there until you went to Neshubbee? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Jerry Cooksey.
Q Is your mother living? A No sir.
Q What was her name? A Martha Ann Cooksey.
Q Are you a half sister of Andrew Smith who just appeared before the Commission? A Yes sir.
Q You had the same mother? A Yes sir.
Q Your father had no Choctaw blood? A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Howard Walker.
Q Has he any Choctaw blood? A Not as I know of.
Q You make no claim for him? A No sir.
Q Have you any children living? A No sir, I am not a mother.
Q What's the name of your mother's father? A Jack Preer.
Q What's the name of your mother's mother? A Silla Preer.
Q Which one of them had Choctaw blood? A My grandmother.
Q Silla? A Yes sir.
Q How much did she have? A She was a full blood.
Q Did you ever see her? A No sir.
Q How do you know she was a full blood Choctaw? A My mother always taught me that and then other old people too that I knew of.
Q Did Silla live in Mississippi all her life? A Yes sir, she was born in Neshoba County.
Q Did your mother live in Mississippi all her life? A Yes sir.
Q This application is for yourself only, is it? A Yes sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of establishing your rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Mary Walker--2

- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.
- Q Did any of them live here at that time? A Yes sir, in Neshoba County.
- Q Who? A My mother and grandmother.
- Q How do you know they were living in Neshoba County at that time? A My mother always said that was her home--Neshoba and Leake--she lived in those two counties.
- Q How old would your mother be if she were living now? A Between sixty-nine and seventy years old.
- Q That treaty was made nearly 72 years ago? A Well, that's about the age of my mother.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came

Mary Walker--3

down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved the 23rd of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of any.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A Yes sir.

The affidavit of Jane Birdsong is offered in evidence, identified as Exhibit-A, filed and made a part of the record in this case.

Q Who is Jane Birdsong? A She's a colored woman that's been knowing my mother a long time.

Q Where does she live? A In Vicksburg.

Q Is she any relation to you? A No sir.

Q Has she any interest in your claim? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Mary Walker---4

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q You don't speak or understand the Choctaw language, do you? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. Her hair is somewhat inclined to be straight. Does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 24th day of April, 1902, at Meridian, Mississippi.

L. B. Mosely
Clerk U. S. Circuit Court, Southern District of Mississippi.

By *Mark*

Deputy.

M.C.R.5300.

CO.

Muskogee, Indian Territory, December 2, 1902.

Mary Walker,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew Smith, et al., M.C.R.5299;
Mary Walker, M.C.R.5300;
Joe Cooksey, et al., M.C.R.5301.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andrew Smith, Dennis Smith, Anna Smith, Robert Smith, Matthew Smith, Malinda Smith, Richard Smith, Mary Walker, Joe Cooksey, Jerry

M. W., 2.

Cooksey, Emanuel Cooksey and William Cooksey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

James H. Cooksey,

Acting Chairman.

Registered.

M.C.R. 5300.

COPY.

Muskogee, Indian Territory, July 22, 1903.

Mary Walker,

Mississippi City, Mississippi.

Dear Madam:-

You are hereby notified that on the 11th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission regarding the application for identification as Mississippi Shoshone of the several persons included in the consolidated case of Andrew Smith et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Very truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Continuation of a ...
Miss.

Date

APR 17 1902

Name

Mary Walker

Age

36

Blood

1/4

Post Office,

Yazoo City Miss.

Father:

Gerry Cookey d

Mother:

Martha A. Cookey d

Claims through mother

husband

Howard Walker

No claim for husband.

L

Children:

Stenographer

J. J. Niles

Choctaw MCR 5301

Joe Cooksey

See MCR 5299

MCR 5301

5301

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Joe Cooksey for the identification of himself and three minor children, Jerry, Emanuel and William, as Mississippi Choctaws.

APPEARANCES: S. A. Beadle, Attorney for applicant,
A. W. Jones, Agent for applicant.

Said Joe Cooksey, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Joe Cooksey.
Q How old are you? A About twenty-nine.
Q How much Choctaw blood have you? A One quarter.
Q What's your postoffice address? A Yazoo City.
Q How long have you lived in Yazoo County? A I don't know, sir, exactly--I been there ever since I was a little boy.
Q Where did you live before that? A Noxubee County.
Q Were you born up there? A I don't know exactly what County I was born in.
Q Have you lived in this State all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Jerry Cooksey.
Q Is your mother living? A No sir.
Q What was her name? A Martha Cooksey.
Q Are you a full brother of Mary Walker who has just been before the Commission? A Yes sir.
Q Your father had no Choctaw blood? A No sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q Have you been married more than once? A No sir.
Q What's your wife's name? A Pelly Ann Cooksey.
Q She has no Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q How many children have you living? A Three.
Q What are their names and ages? A Jerry Cooksey, ten; Emanuel Cooksey, seven; William Cooksey, five.
Q Are these children all living with you at this time? A Yes sir.
Q They are all the children of yourself and Pelly Ann? A Yes sir.
Q Were you married to Pelly Ann under a license? A Yes sir.
Q Where? A In Yazoo City.
Q When? A I don't know exactly what year but its been a good while ago.
Q Who married you? A A preacher by the name of Pit Green.
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Pelly Ann for use in connection with the application you make in behalf of your three minor children. This evidence should be furnished within a period of thirty days from

Joe Cooksey etal--2

this date if possible.

Q This application, then, is for yourself and three minor children?
A Yes sir.

Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Did any of them live here at that time to your knowledge? A They was old enough to be here at that time--but not as I know of.

Q Did you ever hear of any of your ancestors living anywhere except in the State of Mississippi? A No sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?
A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Did you ever hear of any of your people ever having received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of

Joe Cooksey etal--3

Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved the 23rd day of August, 1843 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know of anyone.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a State of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q You don't speak or understand the Choctaw language, do you? A No sir.

This applicant has the appearance of being a full blood

Joe Cooksey et al--4

negro--shows no indications of being possessed of Indian
blood--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 24th day of April, 1902,
at Meridian, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *J. M. M.*

Deputy.

Miss. Choctaw 8301

Muskogee, Indian Territory, June 11, 1902.

A. W. Jones,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10, inclosing certified copy of the marriage certificate between Joseph Cooksey and Gelia Butler, Joint affidavit of Mary Walker and Roser Carter to the marriage between Joe Cooksey and Polly Ann Carter, and certificate of T. A. Kelly, Circuit Clerk of Yancey County, to the issuance of marriage license to Joe Cooksey and Polly Ann Carter, but that the same was not returned to his office for record; and affidavits of Joe Cooksey to the fact of his having been married twice, which you offer in support of the application of Joe Cooksey, et al. for identification as Mississippi Choctaws. The same have been filed with the records in this case.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R.5301.

Muskogee, Indian Territory, December 2, 1902.

Joe Cooksey,

Yazoo City, Mississippi.

Dear Sir:-

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew Smith, et al., M.C.R.5299;
Mary Walker, M.C.R.5300;
Joe Cooksey, et al., M.C.R.5301.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Andre Smith, Dennis Smith,

J. C., 2.

Anna Smith, Robert Smith, Matthew Smith, Malinda Smith, Richard Smith, Mary Walker, Joe Cooksey, Jerry Cooksey, Emanuel Cooksey and William Cooksey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

David Lloyd

Acting Chairman.

Registered.

#2049

No.

5061

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name

Joe Cooksey

Age

29

Blood

1/4

Post Office,

Yazoo City, Miss.

Father:

Jerry Cooksey d

Mother:

Martha " d

Claims through mother.

Wife Polly Ann

L.

no claim for her.

For self and 3 children

Children:

Jerry Cooksey

10

Emanuel

"

7

William

"

5

grapher

J. S. Niles

June 14 1902

Received of the Com^r & Five Tribes
One copy of testimony in case
MBR 5301 Joe. Looking atal.

A. W. Jones

Choctaw MCR 5302

Alice Beatty

See MCR 5303, 5304, 5305
5306

MCR 5302

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice Beatty, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Alice Beatty, et al.,
Amanda A. Moore, et al.,
Mattie L. Tucker, et al.,
Sadie Thomas, et al.,
Beunie Reed, et al.,

N O R 5302
" 5303
" 5304
" 5305
" 5306

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case
of Alice Beatty, et al.

Original application of Alice Beatty
et al., to the Dawes Commission for
identification as Mississippi Choctaws..... 1
Affidavit of Frank Luster..... 6
Affidavit of Wash Nash..... 7
Original application of Amanda A. Moore,
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws..... 8
Original application of Mattie L. Tucker,
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws..... 12
Original application of Sadie Thomas
et al., to the Dawes Commission for
identification as Mississippi Choctaws..... 15

Original application of Rennie Reed,
et al., to the Senate Commission for
Identification as Mississippi Choctaws..... 17

Decision of the Commission refusing the
application in the consolidated case of
Alice Rector, et al., applicants for
identification as Mississippi Choctaws..... 18

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5307

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 17th, 1902.

In the matter of the application of Alice Beatty for the identification of herself and one minor child, Washington Jr., as Mississippi Choctaws.

APPEARANCES: S.A. Readle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Alice Beatty, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Alice Beatty.
Q How old are you? A Fifty-five.
Q How much Choctaw blood have you? A My grandma was full blood.
Q Your mother's mother? A Yes sir.
Q Your mother was a half and you would be a quarter, is that right?
A Yes sir.
Q What's your postoffice address? A Canton, Mississippi.
Q What County? A Madison County.
Q How long have you lived in Madison County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Robert Slaughter.
Q Did he have any Choctaw blood? A No sir, he was half white.
Q And half colored? A Yes sir.
Q Was your father a slave? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Violet Slaughter.
Q Was she a slave? A When my grandfather married my grandma they gave them permission to build a house on the place and it was in the woods but he had a master and he, you know, kept her in that house and the Indians were camped around there.
Q What I want to know is--was your mother a slave? A She stayed with the white people but she would be with her mother and they would be there.
Q How much Choctaw blood did your mother have? A Her mother was full blood.
Q That would make her half, would it? A Yes sir.
Q What was your mother's mother's name? A Juno Sutton.
Q Do you remember her? A Yes sir, I remember seeing her--I was little, though.
Q You are sure she was a full blood Choctaw, are you? A Yes sir.
Q Did she live in Mississippi all her life? A Yes sir, she had long black hair--she was mighty pretty.
Q Did she have a Choctaw name? A I don't remember.
Q So far as you know, have all of your Choctaw ancestors always lived here in Mississippi? A Yes sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Washington Beatty.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him, then? A No sir.
Q How many children have you living who are under age and unmarried? A One.
Q What's the name of that child? A Washington Beatty Jr.

Alice Beatty et al--2

- Q How old is he? A He will be twenty in November.
- Q Is he living with you at this time? A No sir, he's living with my married daughter in Yazoo County.
- Q His home is with you, though, is it? A Yes sir.
- Q This application, then, is for yourself and one minor child? A Yes sir.
- Q Has any application of any kind ever been made before today for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q This is the first application of any kind you ever made? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor son under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of--my grandmother used to say that if she got her rights we all would be rich.
- Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Do you know whether any of them lived here at that time? A I don't know.
- Q Did you ever hear of any of them living anywhere except in this State? A I don't know.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I heard my grandpa talk about it.
- Q Do you know whether he let the Agent know that he wanted to stay here? A Yes sir, they said he drove them away from him.
- Q Who told you that? A My old grandpa used to tell us if my grandma got her rights we would all be rich. He was nearly white too.
- Q Do you know whether your grandmother let the Agent know, here in Mississippi, at that time, that she wanted to stay here and become a citizen and take land? A I don't know.
- Q Do you know whether any of your Choctaw ancestors--your grandmother or any others--ever got any land here in Mississippi from the Government under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.
- Q If she ever got any land you never heard of it, then? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to

Alice Beatty et al--3

remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1843 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
Q How old were you when your grandmother died? A I don't know.
Q About how old? A I reckon about five or six years old.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress?
A No sir.
Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Yes sir, old man Lushur and old man Wash Nash.
Q Do ~~you~~ they know anything about whether any of your ancestors ever complied with this treaty provision here 72 years ago? A They

Alice Bently etal--4

- know that my grandma was a Choctaw woman and they say they went out to the camp with my grandpa when he was going out there to see her.
- Q Do they know anything about whether she complied with this treaty provision or not? A No sir; I don't know.
- Q Do you know of anyone else who would likely know anything about that? A No sir.
- Q Where do these men live? A In Madison County, near Canton.
- Q Have you any witnesses here today? A No sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied with this 14th article or ever received any benefits under it? A No sir.
- Q Have you any written evidence of any kind to offer at this time? A Yes sir.
- Q Are these two witnesses, Wash Nash and Frank Lusbur, any relation to you? A No sir.
- Q Are they interested in any way in the result of your application? A No sir.
- Q Are they white men? A No sir, they are colored people.

The affidavits of Wash Nash and Frank Lusbur are offered in evidence, identified as Exhibits-A and B, respectively, filed and made a part of the records in this case.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q You don't speak or understand the Choctaw language, do you? A No sir.
- Q Have you any brothers living? A Yes sir, I have one.
- Q What's his name? A Eli S. Cole.
- Q Where does he live? A He lives near Canton.
- Q Full brother of yours? A Yes sir.
- Q Have you any children dead who left children? A No sir.
- Q Have you any sisters living? A Yes sir, two.
- Q What are their names? A Agnes Blackman and Sarah Hargrave.
- Q Have you any sisters dead who left children? A Yes sir, I have one dead.
- Q Did she leave children? A Yes sir.
- Q How many of her children are living? A Two.
- Q What are their names? A Georgie and Ed.
- Q What was their father's name? A Thomas.
- Q Thomas what? A Rome.
- Q You have no other children dead who left children, have you? A No sir.
- Q Are any of your mother's brothers or sisters living? A She may have a brother living but we don't know nothing about him.

Alice Beatty et al--5

Q What was his name? A Frank Sutton.

Q He had the same mother as your mother? A Yes sir.

Q Has Frank Sutton any children living, to your knowledge? A No sir.

Q Has your mother any brothers or sisters dead who died leaving children? A Yes sir, my aunt Jane Fox.

Q How many of her children are living? A Four.

Q What are the names of those four children? A Lizzie Jackson, Ada Fox, Eliza Slaughter and Katie Fox.

Q Has your mother any other sisters dead who left children? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and white or Indian blood, in which the white or Indian blood largely predominates--her hair is almost straight and she has the features and facial expression of a white person.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 24th day of April, 1902, at Meridian, Mississippi.

L. D. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

CW.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Alice Beatty et al., for identification as Mississippi Choctaws, consolidating the applications of

Alice Beatty, et al.,	N C R 5302
Amanda A. Moore, et al.,	5303
Mattie L. Tucker, et al.,	5304
Sadie Thomas, et al.,	5305
Bessie Reed, et al.,	5306

--1 D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws were made to this Commission by Alice Beatty for herself and her minor child, Washington Beatty, Jr.; by Amanda A. Moore for herself and her two minor children, Birdie M. and Arina W. Moore; by Mattie L. Tucker for herself and her minor child, Philip Sweet; by Sadie Thomas for herself and her minor child, Timothy Thomas, and by Bessie Reed for herself and her two minor children, Pearl and Ozie Reed, under the following provision of the act of Congress approved June 28, 1878 (20 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one June Sutton, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said June Sutton, or ancestors less remote, signified (in person or by proxy) to

General Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie M. Moore, Arlna W. Moore, Mattie L. Tucker, Philip Sweet, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Onie Reed as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jame Bixby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 5 1903

COPY.

Muskogee, Indian Territory, February 5, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	" 5303
Mattie L. Tucker, et al.,	" 5304
Sadie Thomas, et al.,	" 5305
Bessie Reed, et al.,	" 5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie M. Moore, Arline W. Moore, Mattie L. Tucker, Philip Sweet, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Ozis Reed as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. McM. & C. No. 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 5, 1903.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	" 5303
Mattie L. Tucker, et al.,	" 5304
Sadie Thomas, et al.,	" 5305
Bessie Reed, et al.,	" 5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie M. Moore, Arlna W. Moore, Mattie L. Tucker, Philip Sweet, Sadie Thomas, Timothy Thomas, Bessie Reed, Fannie Reed, and Ozie Reed as Choctaw Indians entitled to rights in the

S. A. B. No. 2.

Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, February 5, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	5303
Mattie L. Tucker, et al.,	5304
Sadie Thomas, et al.,	5305
Bessie Reed, et al.,	5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie W. Moore, Arline W. Moore, Mattie L. Tucker, Philip Smoot, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Ozie Reed as Choctaw Indians entitled to rights in the

A. W. J. No. 2.

COPY.

Chestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

C. R. Brockinridge.

Commissioner in Charge.

Registered.

COPY

M.C.R. 5302.

Muskogee, Indian Territory, February 5, 1903.

Alice Beatty,

Canton, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi Choctaws.

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	" 5303
Mattie L. Tucker, et al.,	" 5304
Sadie Thomas, et al.,	" 5305
Bessie Reed, et al.,	" 5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie M. Moore, Arlna W. Moore, Mattie L. Tucker, Philip Smoot, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Ozie Reed as Choctaw Indians entitled to rights in the

A. B. No. 2.

Chestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

W. C. C.

C. R. Breckinridge.

Commissioner in Charge.

Registered.

0007

Muskogee, Indian Territory, February 21, 1907.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alice Beatty, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 5, 1905.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Alice Beatty, et al.	M.C.R. 5302
Amanda A. Moore, et al.	M.C.R. 5303
Mattie L. Tucker, et al.	M.C.R. 5304
Sadie Thomas, et al.	M.C.R. 5305
Bessie Reed, et al.,	M.C.R. 5306

The Commission has the honor to report that the principal applicants in the several separate applications, their agent, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 5302

Tams Bixby.
Chairman.

C O P Y

Land
13435-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

March 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on February 5, 1903.

Alice Beatty, for herself and her minor child, Washington Beatty, Jr.; Amanda A. Moore, for herself and her two minor children, Birdie M. and Arline W. Moore; Mattie L. Tucker, for herself and her child Philip Smoot; Sadie Thomas, for herself and her minor child, Timothy Thomas, and Bessie Reed, for herself and her two minor children, Pearl and Osie Reed.

The office has examined the evidence in this case and finds that the claim to identification is based

upon the descent of the applicants from one June Sutton, who it is alleged, was a citizen of the Choctaw Nation and resided in Mississippi in 1830.

The Commission states in its decision rejecting these applicants that its records do not show that June Sutton, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been examined in connection with this application, and the name of June Sutton is not found in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. The office, therefore, recommends that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed)

A. C. Tenner

Acting Commissioner.

E.B.H. H'r.

D.C.No.9608-1903.

DEPARTMENT OF THE INTERIOR.

THE

I.T.D.2676-1903.

WASHINGTON.

L.R.8.

April 2, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 21, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Alice Beatty (M C R 5302), for herself and her minor child, Washington Beatty Jr.; of Amanda A. Moore for herself and her two minor children, Birdie M. and Arlna W. Moore; of Mattie L. Tucker for herself and her minor child, Philip Smoot; of Sadie Thomas for herself and her minor child, Timothy Thomas; and of Jessie Reed for herself and her two minor children, Pearl and Ozie Reed, including your decision of February 5, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Juno Sutton, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter March 9, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

(Signed)

Thos. Ryan

Acting Secretary.

1 inclosure.

M.O.R. 5302.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Beatty, et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

(SIGNED).

Tame Bixby.
Chairman.

M.C.R.5302.

COPY.

Muskogee, Indian Territory, April 17, 1903.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Beatty, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Tame Bixby.

Chairman.

COPY.

Muskogee, Indian Territory, April 17, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Beatty, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Tams Bixby.

Chairman.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-013.
KEEP IN REPLY TO THE FOLLOWING

M.C.R.5302.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1903.

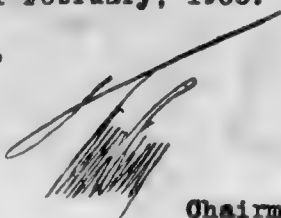
Alice Beatty,

Canton, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Beatty, et al., of which decision you were advised by registered mail, on the 5th day of February, 1903.

Respectfully,



Chairman.

CARD NO.

NAME

RESIDENCE
COUNTY

POST OFFICE

AGE SEX

REFER TO M. C. R. 5502

Alice Beatty et al

Consolidated Case

Juno Sutton
mar
Eli Sutton

Violet Sutton 1/2
mar

Robert Slaughter
1/2 w + 1/2 neg
slave

Alice Slaughter 55
mar

Washington Beatty

Amanda A Beatty 40 1/2
mar
Leander A. Moore

Birdie Moore 12
Arlna Moore 9 mo

Mattie K Beatty 34 1/2
mar
© J. J. Smoot dead
Gimmie Tucker

Philip Smoot 9

Sadie Beatty 28 1/8
mar
Carter Thomas

Timothy Thomas 8

Bessie Beatty 26 1/8
mar
Washington Reed

Pearl Reed 4
Ozie Reed 13 mo.

Washington Beatty Jr.
19

2050.

No. 5502

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name

Alice Beatty

Age

55

Blood

1/4

Post Office,

Canton, Miss.

Father:

Robert Slaughter d

Mother:

Violet " d

Claims through mother
husband

Washington Beatty L
No claim for husband

For wife

Children:

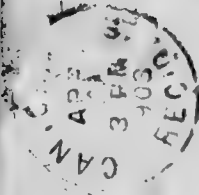
Washington Beatty Jr 19

mother's mother - J. W. Sutton d

J. S. Hile

5-302

File



ED. T. HARRIS

F. J. HARRIS

JUL 2 1903

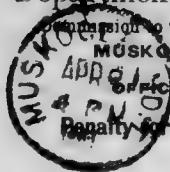


CHAIRMAN

NOB

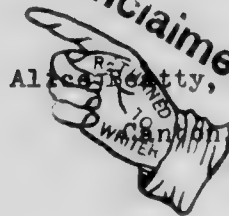
Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, OKLA. TER.



Unclaimed

Alice Betty,



Mississippi



RECEIVED
APR 8 1895
OFFICIAL RECEIPT

Choctaw MCR 5303

Amanda A. Moore

See MCR 5302

MCR 5303

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Amanda A. Moore for the identification of herself and two minor children, Birdie M., and Arlna W., as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Amanda A. Moore, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Amanda A. Moore.
Q How old are you? A Forty.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Canton, Mississippi.
Q What county? A Madison.
Q How long have you lived in that County? A All my life.
Q Is your father living? A Yes, sir.
Q What was his name? A Wash Beatty.
Q Is your mother living? A Yes, sir.
Q What's her name? A Alice.
Q Is she the Alice Beatty who appeared before the Commission here today? A Yes, sir.
Q Your father has no Choctaw blood? A No, sir.
Q How much Choctaw blood do you claim your mother has, A 1/4.
Q Through which one of her parents does she get her Choctaw blood?
A Her mother.
Q What was her name? A Violet Slaughter Cole.
Q Through which one of her parents did she get her Choctaw blood?
Q Her mother.
Q What was her mother's name? A Juno Sutton.
Q So far as you know, have all of your Choctaw ancestors always lived here in Mississippi? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Leander A. Moore.
Q Has he any Choctaw blood? A If there is, it couldn't be proven.
Q You make no claim for him, then? A No, sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Birdie M. Moore.
Q How old? A Twelve years old.
Q Next? A Arlna W.
Q How old? A Nine months old.
Q Girl? A Yes, sir.
Q That all the children you have? A Yes, sir, lost three.
Q Are these two children the children of yourself and Leander Moore?
A Yes, sir.
Q This application, then, is for yourself and two minor children?
A Yes, sir.

Amanda A. Moore, et al., 2.

Q Has any application of any kind ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article, do you? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama in 1830, when this treaty was made?

A No, sir, not that I know of.

Q Did any of them live here at that time, to your knowledge? A Yes, sir.

Q Which one of your ancestors? A My great grand mother.

Q Juno? A Yes, sir.

Q Do you know where she was living at that time? A This old man said between Pearl River and the Miss Henry place.

Q In what County? A Madison County.

Q The old men you refer to are two men whose affidavits your mother presented this morning in her case? A Yes, sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I never heard of it, no, sir.

Q Did any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A No, sir, I never heard of it.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to stay here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of a great many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land under this 14th article, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under this 14th article. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to

Amanda A. Moore, et al., 3.

Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A These old men might know.

Q The old men referred to in the affidavits presented by your mother? A Yes, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A None but the papers brought in this morning.

Q They didn't show anything like that - about the compliance by your ancestors with the 14th article of the treaty of Dancing Rabbit Creek? A They stated about the old lady being married then, in thirty, I believe it was, or thirty one.

Q But you have no other evidence of any kind to offer? A No, sir.

Q Any witnesses here today in person to testify in your case? A No, sir.

Q

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Amanda Moore, et al., 4.

Q Have you some sisters here today to make application? A Yes, sir, three.

Q What are their names? A Mattie L. Tucker, Sadie Thomas and Bessie Reed.

Q They are present at this time, and heard your examination?

A Yes, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood, in which the white or Indian blood predominates. Her hair is black and perfectly straight; she does not speak or understand the Choctaw language. Her features and facial expressions are those of a white person.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi, this 29th day of April, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

Muskegee, Indian Territory, February 5, 1903.

Amanda A. Moore,
Canton, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	" 5303
Mattie L. Tucker, et al.,	" 5304
Sadie Thomas, et al.,	" 5305
Bessie Reed, et al.,	" 5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie M. Moore, Arline W. Moore, Mattie L. Tucker, Philip Smeat, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Eric Reed as Choctaw Indians entitled to rights in the

A. A. M. No. 2.

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

M.O.R.5303.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Amanda A. Moore,

Canton, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Beatty, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Tame Bixby.
Chairman.

M C R 5303

Muskogee, Indian Territory, July 9, 1904.

Amanda A. Moore,
#209 Fayette Street,
Vicksburg, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you state you have been informed that your case has been referred from the office of the Secretary of the Interior, Washington, D. C., to this Commission for consideration and action, and you ask what disposition has been made of the same.

In reply you are advised that the Commission is in receipt, by reference from the Secretary of the Interior, of a letter from you, dated June __, 1904, which was enclosed a letter written you by the Acting Secretary of the Interior, dated February 16, 1903; also two letters addressed to you from Mr. C. R. Woodruff, Philadelphia, Pennsylvania, relative to a complaint made by you some time ago in which you alleged that certain members of the Dawes Commission exacted fees for examination of Mississippi Choctaws at Meridian, Mississippi, in April, 1902. In said complaint the statement was made by you that A. W. Jones, a lawyer of this Commission, accepted a fee of one hundred dollars for the examination of certain persons for admission as Mississippi Choctaws.

A A M 8

Reference was also made to the presence of Commissioner Needles in the Commission's offices at Meridian, Mississippi.

In regard to this matter I have to advise you that A. W. Jones is not now, nor has he ever been, an employe of this Commission in any capacity whatever. He is a practicing attorney of this city, and having complied with the rules and regulations governing the recognition of agents and attorneys before the Commission to the Five Civilized Tribes, has assisted Mississippi Choctaw applicants in the prosecution of their claims before this Commission and in the course of an examination has been allowed to question applicants whom he represented.

Relative to my presence in the Commission's offices at Meridian, Mississippi, you are informed that I have not been in the State of Mississippi since my connection with the Commission to the Five Civilized Tribes, and your statement, therefore, to that effect, is entirely erroneous.

You are further advised that on April 2, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and two minor children, Birdie M. and Arlna W. Moore, as Mississippi Choctaws, of which departmental action you were duly notified on April 17, 1903.

The Commission now considers your case closed, and it is

A A H 3

not believed that you and your minor children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The enclosures forwarded by the Department with your letter of June __, 1904, are herewith returned.

Respectfully,

Commissioner in Charge.

Mem 100

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

APR 17 1902

Name Amanda A. Moore

Age 40, Blood 1/8

Post Office, Canton, Miss.

Father: Mark W. Wally L

Mother: Alice " L

Claims through mother,
husband

Leander A. Moore L
he claims for Mustang,

Son: " "

Children:

Birdie A. Moore 12

Arline W. " 7 yrs

Stenographer

R. S. Stead

Choctaw MCR 5304

Mattie L. Tucker

See MCR 5302

MCR 5304

5304

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Mattie L. Tucker for the identification of herself and one minor child, Philip Smoot, as Mississippi Choctaws,

Appearances:

S.A. Peadle, Attorney for Applicant,
A. W. Jones, Agent for Applicant.

Mattie L. Tucker, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mattie L. Tucker.
Q How old are you? A Thirty four.
Q How much Choctaw blood have you? A One-eighth.
Q What's your post office address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A Two years.
Q Where did you live before that? A Madison County.
Q How long did you live there? A All my days.
Q You have lived in this State all your life? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Washington Beatty.
Q Is your mother living? A Yes, sir.
Q What's her name? A Alice Beatty.
Q Is she the Alice Beatty who appeared before the Commission here today and made application for identification as a Mississippi Choctaw? A Yes, sir.
Q Your father has no Choctaw blood, has he? A Not that I know of.
Q You were present before before the Commission and heard the examination of your mother in full, did you not? A Yes, sir.
Q Are you married? A Yes, sir.
Q How many times have you been married? A Two.
Q Is your second husband living? A Yes, sir.
Q What's his name? A Jimmie Tucker.
Q Is he any Choctaw blood? A Not that I know of.
Q You make no claim for him? A No, sir.
Q Have you any children by him? A No, sir.
Q Have you any children living? A Yes, sir, one.
Q What's the name? A Philip Smoot.
Q How old is he? A Nine years old.
Q Is he living with you now? A Yes, sir.
Q Is his father living? A No, sir, he's dead.
Q What was his name? A Professor Z. T. Smoot.
Q Did he have any Choctaw blood? A I don't think so.
Q This application, then, is for yourself and one child? A Yes, sir.
Q Has any application of any kind been made for you before today for the purpose of establishing your rights as Choctaw Indians?
A No, sir.
Q Do you understand that 14th article? A Yes, sir.
Q Are you a full sister of Amanda Moore? A Yes, sir.

Mattie L. Tucker, et al., 2.

- Q You were present and heard her examination? A Yes, sir.
- Q Do you know anything more with reference to a compliance on the part of your ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek than that testified to by your mother and your sister, Amanda A. Moore? A No, sir.
- Q Do not? A No, sir.
- Q You never heard of any of your ancestors ever having received any benefits as Choctaw Indians? A No, sir.
- Q Or never heard of any of them ever getting any scrip from the Government? A No, sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Only the witnesses that have their signatures to the affidavits?
- Q You refer to the witnesses whose affidavits were filed by your mother in support of her application? A Yes, sir.
- Q Don't know of any one else who would know about your people complying with the treaty provisions seventy one years ago?
- A No, sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your people ever complied or attempted to comply with the provisions of the treaty? A No, sir.
- Q Have you any written evidence? A No, sir.
- Q Have you any witnesses? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Any further statements you want to make at this time in support of your application? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

(The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, apparently it is about equally divided. She has none of the features of an Indian. Her hair is inclined to be straight. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission, to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April,

Mattie L. Tucker, et al., 3.

1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. J. Street
Subscribed and sworn to before me at Meridian, Mississippi,
this 29th day of April, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

M.C.R. 5304.

COPY.

Muskogee, Indian Territory, February 5, 1903.

Mattie L. Tucker,
Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi

Choctaws:

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	" 5303
Mattie L. Tucker, et al.,	" 5304
Sadie Thomas, et al.,	" 5305
Bessie Reed, et al.,	" 5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie M. Moore, Arlna W. Moore, Mattie L. Tucker, Philip Smoot, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Ozie Reed as Choctaw Indians entitled to rights in the

M. L. T. No. 2.

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

C. R. Breckinridge.

Commissioner in Charge.

Registered.

M.C.R.5304.

COPY.

Kuskagee, Indian Territory, April 17, 1903.

Mattie L. Tucker,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Beatty, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Tame Dixby.
Chairman.

Muskogee, Indian Territory, May 11, 1903.

Mrs. Mattie Tucker,
Thornton, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ultimo, by reference from the Secretary of the Interior. Therein you complain of the Commission's decision refusing the application made by you for the identification of yourself and minor child, Philip Soot, as Mississippi Choctaws.

As the Secretary of the Interior approved the decision of the Commission, on April 2, 1903, the Commission now considers your case closed, and it is not believed that you or your minor child are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

2053

No.

5864

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name

Mattie L. Tucker

Age

34

Blood

1/8

Post Office,

Yazoo City Miss.

Father:

Washington (Rally) L

Mother:

Alice

" L

Claims through

Mother

husband

Jimmie Tucker, L

no claim for husband.

For

Children:

Philip Smoot

Father Z. L. Smoot (No. choc. blood) d

P. L. Smoot

Choctaw MCR 5305

Sadie Thomas

See MCR 5302

MCR 5305

5365

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Sadie Thomas for the identification of herself and one minor child, Timothy Thomas, as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Sadie Thomas, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sadie Thomas.
Q How old are you? A I am twenty eight years old.
Q How much Choctaw blood have you? A I have one eighth.
Q What's your post office address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A About six years.
Q Where did you live before that? A Canton, Madison County.
Q How long did you live in Madison County? A All my life - born there.
Q Is your father living? A Yes, sir.
Q What's his name? A Washington Beatty.
Q Your mother living? A Yes, sir.
Q What's her name? A Alice Beatty.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q Is Alice Beatty, who appeared before the Commission this morning, your mother? A Yes, sir.
Q You were present and heard her examination, in full, were you not? A Yes, sir.
Q Is Mattie L. Tucker, who just appeared before the Commission, your sister? A Yes, sir.
Q You married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Carter Thomas.
Q Any Choctaw blood? A No, sir.
Q You make no claim for him, then? A No, sir.
Q Have you any children living? A Yes, sir, one.
Q What's the name? A Timothy.
Q How old is he? A About eight years old.
Q Is he the child of yourself and Carter Thomas? A Yes, sir.
Q This application, then, is for yourself and one minor child, is that right? A Yes, sir.
Q Has any application of any kind been made for you before today, for yourself or this minor child, for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for

Sadie Thomas, et al., 2.

yourself and minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article? A Yes, sir.

Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, than what is disclosed by the testimony of your mother, given before the Commission here today?

A No, sir.

Q You never heard of any of your ancestors ever having received any benefits whatever as Choctaw Indians, have you? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

Q Have you any witnesses here today? A No, sir.

Q Any written evidence of any kind to offer? A No more than the papers filed in my mother's case.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir.

(The applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood; apparently, it is about equally divided. She has none of the features of an Indian; her hair is inclined to be straight. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 5th day of May, 1902.

R. S. Streit

Charles W. McMillan
Notary Public.

COPY.

Muskogee, Indian Territory, February 5, 1903.

Sadie Thomas,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	" 5303
Mattie L. Tucker, et al.,	" 5304
Sadie Thomas, et al.,	" 5305
Bessie Reed, et al.,	" 5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty Jr., Amanda A. Moore, Birdie L. Moore, Arlna F. Moore, Mattie L. Tucker, Philip Smoot, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Oxie Reed as Choctaw Indians entitled to rights in the

S. T. No. 2.

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this matter, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNATURE

C. R. Breckinridge.
Commissioner in Charge.

Registered.

M.C.R. 5305.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Sadie Thomas,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Boatty, et al., of which decision you were advised by registered mail on the 8th day of February, 1903.

Respectfully,

Tame Bixby.
Chairman.

2053

No. 5305

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name

Sadie Thomas

Age

28

Blood

$\frac{1}{8}$

Post Office,

Yazoo City, Miss.

Father:

Washington, Beatty L

Mother:

Alice

"

L

Claims through mother

husband -

Walter Thomas

(no claim for husband)

For copy " " " " " "

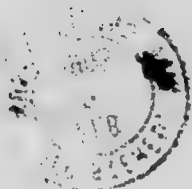
Children:

Timothy Thomas

8

Stenographer

R. S. Streit



SENIOR,
SIZED TR...

PAID
MAR 21 1901

[Handwritten signature]

CHAIRMAN

PAID
1903
MAR 21
TER.

352
348



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1724

~~Saddle Thomas,~~

~~Yazoo City, Mississippi.~~

Notice remained in the

JP

Choctaw MCR 5306

Bessie Reed

See MCR 5302

MCR 5306

5366
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Bessie Reed for the identification of herself and her two minor children, Pearl and Ozie Reed, as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Bessie Reed, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Bessie Reed.
Q How old are you? A Twenty six.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A One year.
Q Where did you live before that? A Madison County, at Canton.
Q How long did you live there? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Washington Beatty.
Q Is your mother living? A Yes, sir.
Q What's her name? A Alice Beatty.
Q She is the Alice Beatty who appeared before the Commission here this morning and made application for identification as a Mississippi Choctaw? A Yes, sir.
Q You were present during her examination and heard it in full, didn't you? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Washington Reed.
Q Has he any Choctaw blood? A Yes, sir.
Q Do you want to apply for him? A No, sir.
Q How much Choctaw blood has he? A I don't know.
Q You make no claim for him? A No, sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Ozie Reed and Pearl Reed.
Q How old is Ozie? A Thirteen months.
Q How old is Pearl? A Four years old.
Q Are these children both living with you at this time? A Yes, sir.
Q Are they both the children of yourself and Washington Reed? A Yes, sir.
Q This application is for yourself and two minor children? A Yes, sir.
Q Has any application of any kind been made for you before today for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose

Bessie Reed, et al., 2.

ed claiming rights in the Choctaw lands, in Indian Territory, for yourself and two minor children, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article, do you not? A Yes, sir.

Q Do you know anything more with reference to a compliance on the part of your ancestors with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, than what is disclosed by the testimony of your mother given before the Commission on this date?

A No, sir.

Q Have you any witnesses here today? A No, sir.

Q Have you any written evidence to offer? A My mother offered evidence of two old residents of Madison County in support of her application which I desire to have considered in support of my application.

Q You don't know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article?

A No, sir.

Q Don't know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any minor brothers? A One.

Q What's his name? A Washington Beatty Jr.

(The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; apparently it is about equally divided. She has none of the features of an Indian; her hair is inclined to be straight; she does not speak or understand the Choctaw language.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May, 1902.

Charles H. Sawyer, Notary Public.

M.C.R. 5306.

COPY.

Muskogee, Indian Territory, February 5, 1903.

Bessie Reed,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Beatty, et al., embracing the following applications for identification as Mississippi Choctaws

Alice Beatty, et al.,	M.C.R. 5302
Amanda A. Moore, et al.,	" 5303
Mattie L. Tucker, et al.,	" 5304
Sadie Thomas, et al.,	" 5305
Bessie Reed, et al.,	" 5306

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Beatty, Washington Beatty, Jr., Amanda A. Moore, Birdie W. Moore, Arlna W. Moore, Mattie L. Tucker, Philip Smoot, Sadie Thomas, Timothy Thomas, Bessie Reed, Pearl Reed, and Ozie Reed as Choctaw Indians entitled to rights in the

B. R. No. 2.

Cheotaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

CHARLES

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

11-13.
REFER IN REPLY TO THE FOLLOWING

M.C.R. 5306.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1903.

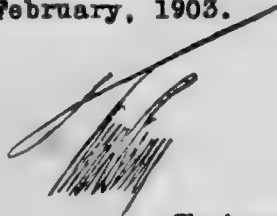
Bessie Reed,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Beatty, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,



Chairman.

#2044

No.

5296

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name

Bessie Reed

Age

26

Blood

1/8

Post Office,

Yazoo City, Miss.

Father:

Washington Beatty S

Mother:

Alice Beatty S

Claims through

mother

husband

Washington Reed S

no claim for husband

In deep and sincere

Children:

7

Ozie

Paul

13 mo

4 yrs.

Stenographer

R S Strunk

MEMOR,
D TRIB.
MAY 21 1903

CHAIRMAN

STERREL
1903
SEC. IND. TER.

353
346



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

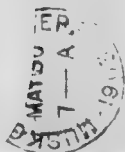
~~Beckie Reed,~~

~~Yazoo City, Mississippi.~~

Notice returned in 4 days

5306

RECEIVED



File

DEPT. OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED

JUN 2 1903

A handwritten signature, possibly "W. H. H.", in dark ink.

CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

21 OFFICIAL BUSINESS.

Penalty for Private Use, \$300.

~~Racine Road,~~

~~Xenox City, Mississippi.~~

Choctaw MCR 5307

Abbie Clark

See MCR 5316

MCR 5307

150
5

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Abbie Clark for the identification of herself and her two minor children, Absalom O., and Inez, as Mississippi Choctaws.

Abbie Clark, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Abbie Clark.
Q How old are you? A Twenty.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Absalom J. Moore.
Q Is your mother living? A Yes, sir.
Q What's her name? A Lucinda R. Moore.
Q Through which one of your parents did you derive your Choctaw blood? A My father.
Q How old would he be if he were living now? A About fifty one.
Q When did he die? A It will be two years in May; he died in 1900.
Q Has he lived in this State all his life? A Yes, sir.
Q Through which one of his parents did he get his Choctaw blood?
A His father.
Q What was his name? A William M. Moore.
Q Did you ever see him? A No, sir.
Q What relation was your father to Charles M. Moore, who appeared before the Commission here today? A Brothers.
Q Full brothers? A Yes, sir.
Q What relation was he to Mary F. Kelly who appeared before the Commission? A Full brother.
Q You heard the examination of your uncle, Charles M. Moore, and his witness, John W. Barrett, and your aunt, Mary F. Kelly, today have you not? A Yes, sir.
Q Are you married? A Yes, sir.
Q Your husband living? A Yes, sir.
Q What's his name? A Clinton S. Clark.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Absalom O., two years.
Q Next? A Inez.
Q How old? A Six months.
Q That all your children? A Yes, sir.
Q They are the children of yourself and Clinton S. Clark? A Yes, sir.
Q This application is for yourself and two minor children? A Yes, sir.

Abbie Clark, et al., 2.

Q Has any application of any kind ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir, in 1896 and 1899.

Q Application made to this Commission in 1896? A Yes, sir.

Q What was the result of that application? A It was rejected.

Q Was your case appealed to the United States Court? A No, sir.

Q When was the application made to the Commission? in 1899? A ~~Yes~~ In January at Carthage, Mississippi.

Q By whom? A My father.

Q

The records of the Commission show that on the 24th day of January, 1899 application was made to the Commission at Carthage, Mississippi, for the identification of this applicant as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number D-1.

Q Are these two applications the only applications of any kind that have ever been made in your behalf? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek, for yourself and two minor children? A Yes, sir.

Q Do you understand that 14th article of the treaty? A Yes, sir.

Q Do you know anything more with reference to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, than is disclosed by the testimony of your uncle, Charles M. Moore, and his witness, John N. Barrett? A No, sir.

Q Do you know of any old persons who would likely know whether any of your ancestors ever complied or attempted to comply with its provisions or ever received any benefits under that article? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A No, sir.

Q Have you any witnesses here to testify in your behalf? A No, sir.

Q Any written evidence of any kind to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and

Abbie Clark, et al., 3.

mother. This evidence should be furnished to the Commission within thirty days from this date.

By Applicant:

I have a certified copy of their marriage certificate and desire to offer same in evidence at this time.

Certified copy of the marriage certificate of Absalom J. Moore and Lucinda R. Kelly is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Kuskogee, Indian Territory, April 21, 1903.

Abbie Clark,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara R. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Mary Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Guida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Registered .

M.C.R. 5307.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Abbie Clark,

Tasco City, Mississippi.

Dear Madam:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

T. E. Needles

Commissioner in Charge.

No

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Abbie Clark

Age 20 Blood 1/16

Post Office, Yazoo City Miss.

Father: Absalom J. Marshall

Mother: Lucinda R

Claims through father

husband

Clinton S. Clark

No claim for him

Children:

Absalom O. Clark

Inez " bmo

Stenographer

R. S. Street

Choctaw MCR 5308

Bettie A. Kinnison

See MCR 5316

MCR 5308

5305
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Bettie A. Kinnison for the identification of herself and one minor child, Myrtle I., as Mississippi Choctaws.

Bettie A. Kinnison, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name Bettie A. Kinnison.
Q How old are you? A Twenty four.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A John P. Kelly.
Q Is your mother living? A Yes, sir.
Q What's her name? A Mary F. Kelly.
Q Is she the Mary F. Kelly who appeared before the Commission here today and made application for the identification of herself and three minor children as Mississippi Choctaws? A Yes, sir.
Q Your father has no Choctaw blood? A No, sir.
Q What relation are you to Charles M. Moore who appeared before the Commission here today and made application for identification as a Mississippi Choctaw? A Niece.
Q He is a full brother of your mother? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A William C. Kinnison.
Q Has he any Choctaw blood? A No, sir.
Q How many children have you living? A One.
Q What's the name of that child? A Myrtle I.
Q How old is Myrtle? A Seventeen months.
Q Is she the child of yourself and William C. Kinnison? A Yes, sir.
Q This application is for yourself and one minor child? A Yes, sir.
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A Yes, sir, for myself but not for the child.
Q When was an application made for you before today? A In 1896 and 1899.
Q Made to this Commission in 1896? A Yes, sir, I reckon it was.
Q Did you ever hear the result of that application in 1896? A Rejected.
Q Was your case appealed to the courts? A No, sir, it was not.
Q Where was an application made for you in 1899? A At Carthage, Mississippi.
Q Who made that application? A John P. Kelly, my father.
Q

The records of the Commission show that on the 24th day of

Bettie A. Kinnison, et al., 2.

January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number D-4, said application having been rejected by the Commission on the eighth day of March, 1899.

- Q Are these two applications the only applications of any kind that have ever been made for you for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Did you hear the examination of your uncle, Charles M. Moore, and his witness, John N. Barrett, and of your mother, Mary W. Kelly? A Yes, sir.
- Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than what has been disclosed by their testimony? A No, sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any witnesses here today to testify in your behalf? A No, sir.
- Q Any written evidence of any kind to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Any further statements you desire to make at this time in support of your application? A No, sir.
- Q You never heard of any of your ancestors ever having received any land or money from the Government as Choctaw Indians? A No, sir.

(This applicant has the appearance of being a white person and shows no indication of being possessed of Indian blood, although she has black hair, and dark eyes. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled

Bettie A. Kinnison, et al., 3.

cause at Meridian, Mississippi on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. L. Steer

Subscribed and sworn to before me at Muskogee, Indian Territory, this *8th* day of May, 1902.

Charles H. Sawyer
Notary Public.

COPY.

Muskogee, Indian Territory, April 21, 1903.

Bettie A. Kinnison,

Vazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of April, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary R. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Guida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.C.R. 5308.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Bettie A. Kinnison,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

I. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name

(Arlene A. Kinnison)

Age

24

Blood

1/16

Post Office,

Yazoo City Miss

Father:

John A. Keller

L

Mother:

Mary T.

L

Claims through Mother

husband

William C. Kinnison
no claim for husband.

Children:

Myrtle L. Kinnison 17/10/09

Stenographer

V. S. Street

Choctaw MCR 5309

Mary E. Logan

See MCR 5316

MCR 5309

5300
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Mary E. Logan for the identification of herself and her four minor children, Ethel, Butler, Emory and Ruby Lee, as Mississippi Choctaws.

Mary E. Logan, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Logan.
Q How old are you, Mrs. Logan? A Twenty seven.
Q How much Choctaw blood have you? A I suppose, about one sixteenth.
Q What's your post office address? A Satartia, Mississippi.
Q What county? A Yaseo County.
Q How long have you lived in Yaseo County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A John P. Kelly.
Q Mother living? A Yes, sir.
Q What's her name? A Mary F. Kelly.
Q She the Mary F. Kelly who appeared before the Commission here today and made application for herself and three minor children?
A Yes, sir.
Q Your father has no Choctaw blood? A No, sir.
Q You married? A Yes, sir.
Q Husband living? A Yes, sir.
Q Been married more than once? A No, sir.
Q What's the name of your husband? A Eddie Logan.
Q Has he any Choctaw blood? A No, sir.
Q Make no claim for him then? A No, sir.
Q How many children have you living? A Four.
Q What are their names and ages? A Ethel.
Q How old? A Seven.
Q Next one? A Butler.
Q How old? A He will soon be six.
Q Next? A Emory.
Q How old? A Four.
Q Next one? A Ruby Lee.
Q Girl? A Yes, sir, nine months old.
Q These children all living with you at this time? A Yes, sir.
Q All the children of yourself and Eddie E. Logan? A Yes, sir.
Q This application, then, is for yourself and four minor children?
A Yes, sir.
Q Has any application, of any description, ever been made before today for you or any one of these minor children for the purpose of establishing your rights as Choctaw Indians? A Yes, sir, twice before.
Q When did you first make application? A U. In 1896.
Q To this Commission? A Yes, sir.
Q Did you ever hear the result of that application? A Yes, sir, it was rejected on account of non-residence.

Mary E. Logan, et al., 2.

- Q Did you appeal your case to the United States Court? A No, sir.
Q When was the next application made for you? A In 1899
Q Where? A Carthage, Mississippi.
Q

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, and her three minor children, Ethel, Butler, and Emory, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, field Number D-6, said application having been rejected by the Commission on the eighth day of March 1899.

- Q Are these two applications the only applications of any kind that have ever been made for you? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek, for yourself and four minor children? A Yes, sir.
Q You understand that 14th article thoroughly? A Yes, sir.
Q Did you hear the examination, in full, of your mother, Mary F. Kelly, and of your uncle, Charles M. Moore, and his witness, John E. Barrett? A Yes, sir.
Q Do you know anything further with reference to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, than is disclosed by their testimony? A No, sir.
Q You never heard of any of your ancestors ever having gotten any land or money from the Government, did you? A No, sir.
Q Never heard of any of them ever getting any scrip from the Government? A No, sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
Q Have you any written evidence of any kind to offer at this time? A No, sir.
Q Any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any time before the 30th of this month here at Meridian, Mississippi, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No, sir.
Q You don't speak or understand the Choctaw language? A No, sir.

(Applicant has the appearance of being a white woman and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

Mary E. Logan, et al., 3.

R. S. Streit, having been first duly sworn, upon his oath stated that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said case upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, April 21, 1903.

Mary E. Logan,

Satartia, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5316
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles F. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles F. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, ~~Quida Moore~~, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

Registered.

M.C.R. 5309.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mary E. Logan,
Satartia, Mississippi.

Dear Madam:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

T. B. Noodles.

Commissioner in Charge.

\$20.00

No. 5809

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 17 1902

Name Mary E. Logan

Age 27 Blood 1/16

Post Office, Salaria, Miss.

Father: John P. Kelly L

Mother: Mary F. Kelly R

Claims through mother.

Husband

Eddie E. Logan L

No claim for husband

For

Children:

Ethel Logan 7

Ruth " 5

Emory " 4

Ruby L. Fgmg

R. S. Street

Choctaw MCR 5310

Charles W. Kelly

See MCR 5316

MCR 5310

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Charles W. Kelly for the identification of himself and his four minor children, Annie M., John F., William and Clara E., as Mississippi Choctaws.

Charles W. Kelly, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charles W. Kelly.
Q How old are you, Mr. Kelly? A Thirty two.
Q How much Choctaw blood have you? A I reckon we claim one sixteenth.
Q What's your post office address? A Martin, Mississippi.
Q What county? A Clairborne County.
Q How long have you lived in Clairborne County? A I have been living there about fifteen or sixteen months.
Q Where did you live before that? A In Yazoo County.
Q How long did you live in Yazoo County? A Since seventy six.
Q Where did you live prior to that time? A Well, my father, when I was a baby, they moved to Arkansas and from that to the Indian Territory, and they came back in '76, and ever since I have been in Yazoo County.
Q Is your father living? A Yes, sir.
Q What's his name? A John P. Kelly.
Q He has no Choctaw blood? A No, sir.
Q Is your mother living? A Yes, sir.
Q What's her name? A Mary F. Kelly.
Q Is she the Mary F. Kelly who just appeared before the Commission and made application for the identification of herself and three minor children as Mississippi Choctaws? A Yes, sir.
Q You heard her entire examination, did you? A Yes, sir.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Kylie.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you been married more than once? A No, sir.
Q How many children have you living? A Four.
Q What are their names and ages? A Annie M.
Q How old is she? A She's seven years old.
Q Next? A John F.
Q How old is he? A Five.
Q Next? A William, he is three.
Q Next one? A Clara E., eight months.
Q That's all your children, is it? A Yes, sir.
Q Are these all the children of yourself and Kylie Kelly? A Yes, sir.
Q Are they all living with you at this time? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q When? A 17th day of January, 1894?

Charles W. Kelly, et al., 2.

Certified copy of marriage license and certificate of C. W. Kelly and Kylie Herrin is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

- Q This application is for yourself and four minor children? A Yes, sir.
- Q Has any application of any description ever been made for you before today, for you or any of these children, for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir.
- Q When? A In '96.
- Q Who was that application made to? A Made to the Dawes Commission.
- Q Did you ever hear the result of that application? A Well, no, sir, nothing more - I didn't hear any result of it - well, I believe I did.
- Q Didn't you hear it was rejected? A Yes, sir, I received a letter from the Commission that it was rejected.
- Q Did you ever make any other application besides that? A No, sir.
- Q Was any other application ever made for you besides that? A Yes, sir, in 1899, at Carthage, Mississippi.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant and three minor children, Annie M., John F., and William, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number D-5. Said application was, on the eighth day of March, 1899, rejected.

- Q Are those two applications the only applications of any kind that have ever been made for you or these children? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and four minor children, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir.
- Q Did you hear the examination of your uncle, Charles M. Moore, and his witness, John M. Barrett, here before the Commission? A I didn't understand very well.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A No, sir.
- Q Do you know whether any of your Choctaw ancestors owned an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, I do not.
- Q Do you know whether any of them removed to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, I do not.
- Q Do you know whether any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land?

Charles W. Kelly, et al., 3.

A No, sir.

Q Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Don't know about that? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842, and heard a great many of these Choctaw cases.

Q Do you know whether any of your ancestors appeared before any of these commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Charles W. Kelly, et al., 4.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here today to testify in your behalf? A I desire to have the testimony submitted in the case of my uncle, Charles M. Moore, considered in my case.

Q You have no other witnesses? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being a white man and shows no indications of being possessed of Indian blood. He has very light hair, light eyes and light complexion. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May, 1902.

R. S. Streit

Charles H. Sawyer

Notary Public.

COPY

Muskogee, Indian Territory, April 21, 1903.

Charles W. Kelly,

Martin, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles L. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Registered.

M.C.R. 5319.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Charles W. Kelly,

Martin, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

2058

No. 5310

For Identification as a Mississippi Choctaw.

Meridian Miss.

Name ^{Date} Charles M. Kelly

Age 32 Blood 4/16

Post Office, Martin, Miss.

Father: John P. Kelly L.

Mother: Mary T. " L

Claims through mother
wife. Kylie Kelly L
no claim for wife.

For Identification

Children:

Annie M. Kelly	7
John F	5
William	3
Clara E.	8 mo

Stenographer

N. S. Strain

Choctaw MCR 5311

Mary F. Kelly

See MCR 5316

MCR 5311

531

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Mary F. Kelly for the identification of herself and her three minor children, Hattie V., Grover C., and Pat, as Mississippi Choctaws.

Mary F. Kelly, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mary F. Kelly.
Q How old are you? A Fifty two.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Tinsley, Mississippi.
Q What county? A Yazoo County.
Q How long have you lived in Yazoo County, Mississippi? A Lived in Mississippi all my life.
Q How long have you lived in Yazoo County? A Came here in '65.
Q Where did you live before that? A In Nesheba County.
Q All your life? A Yes, sir, up until that time.
Q Is your father living? A No, sir.
Q What was his name? A William M. Moore.
Q Your mother living? A No, sir.
Q What was her name? A Mary Elizabeth Moore.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Did he live in Mississippi all his life? A No, sir, not all his life; he went to Arkansas and lived a few years and went to the Territory and died there.
Q When did he leave this country? A In '65.
Q Never came back? A No, sir.
Q Did he live here in Mississippi up until that time? A Yes, sir.
Q Where was he born? A He was born in Alabama.
Q What county? A I don't know whether I know or not. I don't remember, if I do.
Q Through which one of his parents did he get his Choctaw blood? A His father.
Q What was his father's name? A My understanding was it was McCager Moore.
Q Did you ever see him? A No, sir.
Q Do you know where he lived? A No, sir.
Q Don't know anything about him then? A No, just what I heard.
Q What did you hear about him? A I just heard that my grand father was an Indian chief's son.
Q Do you know how much Choctaw blood your grand father, McCager Moore, had? A No, sir.
Q Do you know what the name of that chief was? A No, sir.
Q Are you a full sister of Charles M. Moore who has appeared before the Commission here today? A Yes, sir.
Q You were present and heard his entire examination? A Yes, sir.
Q Are you married? A Yes, sir.
Q Been married more than once? A No, sir.

Mary F. Kelly, et al., 2.

- Q Husband living? A Yes, sir.
Q What's his name? A John P. Kelly.
Q He has no Choctaw blood? A No, sir.
Q You make no claim for him, then? A No, sir.
Q How many children have you living who are under twenty one years of age and unmarried? A I have three under twenty one, and one that's twenty one and not married.
Q What are the names of these under twenty one? A Hattie V.
Q How old? A Twenty.
Q Next one? What's the name of the next one? A Grover C.
Q How old? A Seventeen.
Q Next one? A Pat.
Q How old is Pat? A Eleven.
Q That's all your children? A Yes, sir.
Q All the children of yourself and John P. Kelly? A Yes, sir.
Q Are these three children living with you at this time? A Yes, sir.
Q This application is for yourself and three minor children; is that right? A Yes, sir.
Q Has any application of any description ever been made before today for you or any of these children? A Yes, sir.
Q When? A In 1896 and 1899, I believe.
Q Was an application made to this Commission in 1896? A Well, it was the Daves Commission.
Q What was the result of that application in 1896? A Well, it knocked us out.
Q It was rejected? A Yes, sir.
Q Did you appeal your case to the United States Court? A No, sir.
Q Where was application made for you in 1899? A Carthage, Mississippi.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi for the identification of this applicant and her five minor children, Bettie A., John D., Hattie, Grover C. and Pat, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number D-4.. Said application was rejected by the Commission on the 8th day of March, 1899.

- Q Are these two the only applications of any kind that have ever been made for you or these children? A Yes, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article thoroughly? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A No, sir, not that I know of.
Q Do you know anything further in regard to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than what is disclosed by the testimony of your brother, Charles M. Moore, and his witness, John N. Barrett, taken before the Commission today? A No, sir.
Q Have you any other witnesses whose testimony you desire to have taken before the Commission in support of your application? A No, sir.

Mary F. Kelly, et al., 3.

Q You don't know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with these treaty provisions, or ever received any benefits under that article? A No, sir.

Q Know of any written evidence which would prove or tend to prove such a State of facts? A No, sir.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, sir.

Q None of your people ever got any land here in Mississippi from the Government? A No, sir.

Q None of them ever got any money? A No, sir.

Q Are there any further statements you want to make at this time in support of your application? A No, sir, I reckon not.

If you should find any further witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q How many children have you living who are of age and married?

A Five.

Q What are the names of those five children, the oldest one first?

A Charles Moore.

Q Is he here today? A Yes, sir.

Q Next? A Benjamin S.

Q Is he here today? A Yes, sir.

Q Next? A Mary E. Logan.

Q Is she here today? A Yes, sir.

Q Next? A Bettie Kinnison.

Q Is she here today? A Yes, sir.

Q Next one? A John D.

Q Is he here today? A Yes, sir.

Q All of your children who are of age are here today and have heard your testimony? A Yes, sir.

Q You don't speak or understand the Choctaw language? A I understand a little, not much. I can't speak it; I used to understand it, but I can't now.

(This applicant has the appearance of being a white person and shows no indication of being possessed of Indian blood. She has dark hair, dark complexion and dark eyes.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above cause at Meridian, Mississippi, on April 17, 1902, and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 5 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, April 21, 1903.

Mary F. Kelly,

Tinsley, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles F. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jams Bixby.
Chairman.

Registered.

M.C.R. 5412.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mary F. Kelly,

Piquier, Mississippi.

Dear Madam:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No.

511

For Identification as a Mississippi Choctaw.

Meridian Miss.
Date

Jan 17 1902

Name

Mary E. Kelly

Age

52

Blood

1/8

Post Office,

Ginsley, Miss.

Father:

William M. Moorehead

Mother:

Mary Elizabeth " d

Claims through father
husbandJohn P. Kelly L
No claim for husband.

Children:

Nattie V. Kelly	20
Grover C.	17
Pat	11

Stenographer

R. S. Street

Choctaw MCR 5312

Charles H. Moore

See MCR 5316

MCR 5312

5-312

Department of the Interior,
Commission to the five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Charles H. Moore for identification as a Mississippi Choctaw.

Charles H. Moore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charles H. Moore.
Q How old are you? A Twenty one.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Yazoo City.
Q How long have you lived in Yazoo City? A Been there for about three years; been in Yazoo County all my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Charles M. Moore.
Q Is he the Charles M. Moore who appeared before the Commission here today and made application in his own behalf? A Yes, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Clara Alice.
Q She had no Choctaw blood? A No, sir.
Q Are you married? A No, sir.
Q This application is for yourself only, is it? A Yes, sir.
Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir.
Q When? A On 1896 and 1899.
Q To whom was the application made in 1896? A Dawes Commission.
Q Did you ever hear the result of that application? A Yes, sir.
Q What was it? A Rejected.
Q Where was your application made in 1899, and to whom was it made?
A Made in Carthage to the Dawes Commission.

The records of the Commission show that on the 24th day of January, 1899, the father of this applicant appeared before the Commission at Carthage, Mississippi and made application for the identification of this applicant as a Mississippi Choctaw, his name appears upon Mississippi Choctaw Card, Field Number D-2 .

- Q Are these two the only applications of any kind that have ever been made for you? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article thoroughly? A Yes, sir.
Q Did you hear the examination of your father, and of his witness, John E. Barrett, in full? A Yes, sir.
Q Do you know anything further in regard to a compliance on the part of your ancestors with the provisions of the 14th article of the

Charles H. Moore, 2.

than what has been disclosed by their testimony? A No, sir.

Q Have you any witnesses? A No, sir.

Q Any written evidence of any kind to offer? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us at any time before the 30th of this month, here at Meridian, Mississippi, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make in support of your application at this time? A No, sir.

(This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has dark hair, dark complexion and dark eyes.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory,
this 8 day of May, 1902.

R. S. Streit
Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, April 21, 1903.

Charles H. Moore,
Yazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary R. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Registered.

N.O.R. 5513.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Charles H. Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

No. 1234-5678
For Identification as a Mississippian Choctaw.

Meridian Miss.

Date

APR 1 1891

Name (Charles H. Moore)

Age 21 Blood 1/16

Post Office, Yazoo City, Miss.

Father (Charles H. Moore) &

Mother (Sarah Moore) &

Claims through father.

For record by

Children:

Stenographer

R. A. Street

Choctaw MCR 5313

Mary F. Moore

See MCR 5316

MCR 5313

53
Department of the Interior,
Commission to the five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Mary M. Moore for
identification as a Mississippi Choctaw.

Mary M. Moore, having been first duly sworn, upon her oath
testified as follows:

Examination by the Commission:

- Q What is your name? A Mary M. Moore.
Q How old are you? A Twenty three.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Charles M. Moore.
Q Is he the Charles M. Moore who appeared before the Commission here
today and made application for the identification of himself and
three minor children as Mississippi Choctaws. A Yes, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Clara Alice.
Q Did she have any Choctaw blood? A No, sir.
Q Are you married? A No, sir.
Q Have you ever been married? A No, sir.
Q This application is for yourself only? A Yes, sir.
Q Has any application of any description ever been made before today
in your behalf for the purpose of establishing your rights as a
Choctaw Indian? A Yes, sir.
Q When? A In 1896 and 1899.
Q To whom was that application made in 1896? A Dawes Commission.
Q Did you ever hear the result of that application? A It was re-
jected.
Q Did you appeal your case to the United States Court in Indian
Territory? A No, sir.
Q Where was application made for you in 1899? A Carthage.
Q

The records of the Commission show that on the 24th day
of January, 1893, the father of this applicant appeared
before the Commission at Carthage, Mississippi, and made
application for her identification as a Mississippi
Choctaw, her name appearing upon Mississippi Choctaw Card,
Field Number, D-2.

- Q Are these two applications the only applications of any kind
that have ever been made for you for the purpose of establishing
your rights as a Choctaw Indian? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory under
the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Mary P. Moore, 2.

- Q. You understand that 14th article thoroughly? A Yes, sir.
Q. You heard the entire examination of your father, Charles M. Moore, and his witness, John B. Barrett? A Yes, sir.
Q. Do you know anything further in regard to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than what has been disclosed by their testimony? A No, sir.
Q. Have you any other witnesses here today? A No, sir.
Q. Any written evidence of any kind to offer? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi, before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q. Any further statements you want to make at this time in support of your application? A No, sir.

(This applicant has the appearance of being a white person, and shows no indication of being possessed of Indian blood. Her hair is dark, dark complexion, and dark eyes.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May, 1902.

Charles H. Loring

Notary Public.

COPY.

Muskogee, Indian Territory, April 21, 1903.

Mary F. Moore,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Leater H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester E. Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tammie Birby
Chairman.

Registered.

M.C.R. 5313.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mary M. Moore,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 31st day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles,
Commissioner in Charge.

No. 5313

For Identification as a Mississippi Choctaw.

Meridian Miss

APR 17 1902

Date

Name

Mary F Moore

Age

23

Blood

1/16

Post Office,

Yazoo City, Miss.

Father:

Charles M. Moore

Mother:

Para Alice

Claims through

father

Living only

Children:

R. S. Street

Choctaw MCR 5314

Benjamin O. Moore

See MCR 5316

MCR 5314

Department of the Interior,
Commission to the five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Benjamin O. Moore
for identification as a Mississippi Choctaw.

Benjamin O. Moore, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Benjamin O. Moore.
Q How old are you? A Twenty six.
Q How much Choctaw blood have you? A Suppose, one-sixteenth.
Q What's your post office address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo County? A Since '72.
Q Lived there all your life? A Yes, sir, born in the Territory, and
moved here.
Q Choctaw Nation, Indian Territory? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Charles M. Moore.
Q Mother living? A No, sir.
Q What was her name? A Clara Alice.
Q Is the Charles M. Moore who just appeared before the Commission
and made application for himself and three minor children your
father? A Yes, sir.
Q Your mother had no Choctaw blood? A No, sir.
Q You heard the entire examination of your father, did you not?
A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q This application is for yourself only? A Yes, sir.
Q Has any application, of any description, ever been made before
today in your behalf for the purpose of establishing your rights
as a Choctaw Indian? A Yes, sir.
Q When? A In 1898 and 1899.
Q Did you ever hear the result of your application made in 1898?
A Yes, sir.
Q What was the result of it? A Rejected.
Q That application was made to the Commission to the Five Civilized
Tribes? A Yes, sir.
Q Where was an application made for you in 1899? A In Carthage.
Q

The records of the Commission show that on the 24th day
of January, 1899, the father of this applicant appeared
before the Commission at Carthage, Mississippi, and made
application for the identification of this applicant as
a Mississippi Choctaw, his name appearing upon Mississippi
Choctaw Card, field number 2-2.

- Q These are the only applications of any kind that have ever been
made for you are they not, sir.

Benjamin C. Moore, 2.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article thoroughly? A Yes, sir.

Q Did you hear the testimony of your father's witness, John N. Barrett? A Yes, sir.

Q Do you know anything further with reference to a compliance on the part of your Choctaw ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than what is disclosed in the testimony of your father and his witness? A No, sir.

Q Have you any other witnesses to offer? A No, sir.

Q Any written evidence of any kind to offer? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He has dark hair, dark complexion and dark eyes.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, April 21, 1903.

Benjamin O. Moore,

Yazoo City, Mississippi,

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.E.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary P. Moore, Charles H. Moore, Mary P. Kelly, Mattie V. Kelly, Grover O. Kelly, Pat Kelly, Mattie V. Kelly, Annie E. Kelly, John P. Kelly, William Kelly, Clara E. Kelly, Mary E. Kelly, Mary L. Kelly, Mary E. Loran, Ethel E. Loran, Mary E. Loran, Mary E. Loran, Mattie A. Kinnison, Mattie I. Kinnison, John P. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamr Bixby.
Chairman.

Registered.

M.C.R. 5314.

COPY.

Nowata, Indian Territory, July 14, 1903.

Benjamin O. Moore,

Tasce City, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

#2017

No.

5214

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

Name

Benjamin C. R. Jr.

Age

26

Blood

1/16

Post Office,

Yazoo City, Miss.

Father:

Charles M. Moore Sr.

Mother:

Caroline Alice " &

Claims through *Father*

For

Children:

Stenographer

R. S. Street

Choctaw MCR 5315

William M. Moore

See MCR 5316

MCR 5315

5375
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of William M. Moore for the identification of himself and one minor child, Theresa, as Mississippi Choctaws.

William M. Moore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A William M. Moore.

Q How old are you, Mr. Moore? A I am thirty two.

Q How much Choctaw blood have you? A Why, I have always thought I was one-sixteenth.

Q What's your post office address? A Yazoo City, Mississippi.

Q How long have you lived in Yazoo City? A About eleven years; since eighty seven - fifteen years.

Q Where did you live before that? A Near that.

Q Have you lived in the State of Mississippi all your life? A Except five years I was in the Territory and Arkansas, right on the line in Benton County.

Q Where was that? A Just near the line.

Q When was that? A That was from seventy one to seventy six.

Q Is your father living? A Yes, sir.

Q What's his name? A Charles M. Moore.

Q Is he the Charles M. Moore who just appeared before the Commission and made application in his own behalf? A Yes, sir.

Q Is your mother living? A No, sir.

Q What was her name? A Clara Alice.

Q Did she have any Choctaw blood? A No, sir.

Q You were present and heard the entire examination of your father? A Yes, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. This evidence should be filed within thirty days from this date, if possible.

The certified copy of marriage certificate of C. M. Moore and Alice A. Billingsley is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Was your mother's name Billingsley? A Yes, sir.

Q The marriage certificate which you submit here shows her name to be Alice A.; you state that it is Clara Alice; how do you account for that? A The only way I can account for it, the clerk made a mistake.

Q This is a certified copy of the marriage certificate of your father and mother? A Yes, sir.

Q Are you married? A Yes, sir.

William M. Moore, et al., 2.

- Q What's her name? A Lizzie.
Q Has she any Choctaw blood? A No, sir.
Q Make no claim for her? A No, sir.
Q Have you been married more than once? A No, sir.
Q Have you any children living? A One.
Q What's that child's name? A Theresa.
Q How old is Theresa? A Six years.
Q The child of yourself and Lizzie Moore? A Yes, sir.
Q Were you married to Lizzie Moore under a license? A Yes, sir.

Verified copy of marriage certificate of William Moore and Lizzie Hamel is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

- Q This application is for yourself and one minor child? A Yes, sir.
Q Any application of any kind ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A Yes, sir.
Q When? A There was an application made for me in 1896; I don't know whether any application was made for my child or not. Application was made for myself and child in 1899, at Carthage.
Q Did you ever hear what became of your application which was presented to the Commission in 1896? A Rejected.
Q Did you ever appeal your case to the United States court? A No, sir.
Q Did you appear in person before the Commission? A No, sir, my father made application.

The records of the Commission show that on the 24th day of January, 1899, the father of this applicant, appeared before the Commission at Carthage, Mississippi and made application for the identification of this applicant and his minor child, Theresa, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, field Number D-3.

- Q Those two applications are the only applications of any kind that have ever been made for you or this child? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands for yourself and one child under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that article do you? A Yes, sir.
Q Do you know anything further as to whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, than what is disclosed by the testimony of your father, given before the Commission today and the testimony of his witness, John M. Barrett? A No, sir.
Q Have you any further witnesses to submit? A No, sir.
Q Any written evidence to offer? A Have not.
Q You don't know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

William M. Moore, et al., 3.

Q Never heard of any of your people ever having gotten any land from the Government? A No, sir.

Q Or any money? A Never got any money.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before us at any time here at Meridian, Mississippi, before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q (This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has dark hair, dark complexion and dark eyes.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8 day of May, 1902.

Charles H. Sawyer

Notary public.

Kiam-Chootaw 5315

Muskogee, Indian Territory, May 5, 1902.

W. M. Moore,

Yazoo City, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, in which you say that you cannot secure the marriage certificate between your grandfather and grandmother, and ask if this evidence is absolutely necessary in your case.

In reply to your letter you are informed that if you cannot secure a certified copy of the marriage record, the Commission will accept as evidence of the marriage of your grandfather and grandmother, the certificate of the Clerk of the Court of the County in which the marriage took place, the destruction of the records and the Affidavits of two disinterested persons who were present at the marriage or who knew that your grandparents lived together as man and wife. The letter inclosed by you is herewith returned.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 21, 1903.

William M. Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John P. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary D. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, ~~as Chectaw Indians~~ entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Registered.

M.O.R. 6313.

COPY.

Mustang, Indian Territory, July 14, 1903.

William M. Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

T. B. Needles.

Commissioner in Charge.

of Identification as a Mississippi Choctaw
Meridian Miss.

APR 17 1891

Name *William M. Moore*

Age *32* Blood *1/16*

Post Office, *Yazoo City, Miss.*

Father, *(Charles M. Moore) L*

Mother: *(Para Alice) d*

Claims through *father*

wife *Lizzie Moore* *L*
No claim for wife

For wife

Children:

Theresa Moore 6

Stenographer

A. S. Street

Choctaw MCR 5316

Charles M. Moore

See MCR 5315, 5314, 5313
5312, 5311, 5310, 5325, 5309
5308, 5326, 5327, 5307, 5351

MCR 5316

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Charles M. Moore, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Charles M. Moore, et al.,	M.C.R. 5315
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351.

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Charles M. Moore, et al.

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Affidavit of Carolin Wilson.....	13

Certified copy of judgment rendered August 27, 1897, by the United States Court for Central District of Indian Territory in the case of Wm. E. Moore, et al., versus the Choctaw Nation..	14
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5316

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 17, 1902.

In the matter of the application of Charles M. Moore for the identification of himself and his three minor children, Thomas M., George B., and Carl M. Moore, as Mississippi Choctaws.

Charles M. Moore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charles M. Moore.
- Q How old are you, Mr. Moore? A Fifty six.
- Q How much Choctaw blood have you? A One eighth.
- Q What's your post office address? A Yazoo City, Mississippi.
- Q How long have you lived in Yazoo County, Mississippi? A Off and on ever since '65, and I was six years in the Territory. With the exception of that I have lived here since; have been back here twenty five years; I come back in '77.
- Q What time was it you lived in the Territory? A I lived there in seventy five and seventy six.
- Q Where were you born? A I was born in Leake County.
- Q You have lived in the State of Mississippi all your life, except the time you were in the Territory? A Yes, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A William M. Moore.
- Q Is your mother living? A No, sir.
- Q What was her name? A Mary E. Moore.
- Q Through which one of your parents did you get your Choctaw blood? A My father.
- Q How long has your father been dead? A He died about '85, I think.
- Q About how old was he when he died? A About sixty five years old.
- Q Where was he born? A He was born in Alabama.
- Q Do you know what county? A No, sir.
- Q How long did he live in the State of Alabama? A A year or two; two or three years; I don't know exactly.
- Q Where did he go from there? A He came to Mississippi.
- Q What county? A Neshoba County.
- Q Did he live in Neshoba County from that time on up until his death? A No, sir.
- Q Where else did he live? A In this County five years, and the balance of the time in the Territory; he came here in '66 and lived here five years.
- Q When did he move to the Territory? A He moved to the Territory in '75.
- Q In what Nation did he live? A In the Choctaw Nation.
- Q And lived there until he died? A Lived right there until he died; settled a place and lived on it until he died.
- Q Was he ever admitted to citizenship out there by the Choctaw tribal authorities? A No, sir, he made an application, and he was getting up the proof when he died, and a brother-in-law of mine and a brother went ahead with the testimony; there was a great many old

Charles M. Moore, et al., 2.

Indians he run across out there who had known him all his life. It is my understanding - I don't know of it of my own knowledge, but that's the way I understood - they got in, and this brother and brother-in-law followed the thing up, but before they got the thing completed, my brother out there died, and this brother-in-law went ahead with the business, and his family was admitted. His family was the only one admitted.

Q What was the name of this brother-in-law? A W. A. Lewis.

Q Is he living now? A He is living now. His wife has died since I filed my application last time; his children are all living now.

Q Where do they live? A They live somewhere at Shadypoint.

It will be necessary for you to furnish, in connection with this application, proper evidence of the marriage of your father and mother. This evidence should be filed with the Commission within thirty days, if possible.

Q Through which one of his parents did your father, William M. Moore, derive his Choctaw blood? A His father.

Q What was his name? A I don't know; he died when my father was six months old; probably, my uncle can tell you, I don't know; he is a witness I have here.

Q You don't know anything about your grand father at all? A No, sir, only what my father told me; he was an infant when he died.

Q According to your statements, he must have been a half blood Choctaw? A No, I couldn't say whether he was a half blood; his father might have been a half blood.

Q Do you know the name of your great grand father? A Mitacature; I have been told he was a chief; I don't know of my own knowledge, but that's what my father told me.

Q Did your father ever see this man, Mitacature? A No, sir.

Q You don't know how much Choctaw blood he had? A No, sir.

Q Do you know the names of any of his children? A No, sir; my father had one brother who was older than he, but he died during the war.

Q Do you know where your father's father living during his life time? A In Alabama, I think.

Q Do you know what county? A No, sir, I do not.

Q Where did Mitacature live, do you know? A No, sir, I do not. I suppose, though, in Alabama; I don't know.

Q Do you know anything about the marriage of your father's father and mother? A No, sir.

Q Do you know of any one living who would know about that?

A The nearest I could come to it was my uncle; he was younger than my father; I don't know whether it would be admissible or not.

Q He is here as a witnesses here in your case? A Yes, sir.

Q Is your wife living? A My present wife is, but I have been married twice.

Q What's the name of your wife? A Alice K. Moore.

Q Has she any Choctaw blood? A None at all.

Q You make no claim for her, then? A No, sir.

Q Have you any children by your present wife? A Three.

Q What are their names and ages? A Thomas M.

Q How old? A He is thirteen years old.

Q Next one? A George B.

Q How old? A About eleven.

Charles M. Moore, et al., 3.

Q Next one? A Carl M.

Q How old? A Nine.

Q These children all living with you at this time? A Yes, sir.

Q Are they all the minor children you have? A Yes, sir.

Q Were you married to your present wife under a license? A Yes, sir.

Q When? A In '87.

Certified copy of the marriage certificate of C.M. Moore, and Alice K. Brown is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q This application is for yourself and three minor children? A Yes, sir.

Q Have you ever made any application of any description before today for yourself or these children for the purpose of establishing your rights as Choctaw Indians? A Yes, sir.

Q When? A Well, the first time I made it was in '96, sent written application, and again at Carthage, 1899.

Q You made a written application to the Commission in 1899?

A Yes, sir.

Q Whatever became of that application? A I suppose it is on file out there.

Q What was the result of that application, I mean? A They disallowed it on account of non-residence.

Q Did you ever appeal your case to the Courts? A Yes, sir; I don't know whether it ever went before the Court; they didn't appeal it on account of that.

The records of the Commission show that on January 24, 1899, this applicant appeared before the Commission, at Carthage, Mississippi, and made application for the identification of himself and family as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number D-2.

Q These two applications are the only applications of any kind that have ever been made for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article? A Well, I have read it a good deal; I knew about the purport of it, but I don't know anything about a compliance with it.

By Commission:

I will go over it for the benefit of all of you. The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of

Charles M. Moore, et al., 4.

the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who preferred to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation west of the Mississippi River, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you in full the 14th article of the treaty of Dancing. Do you think you understand that thoroughly now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I ever heard of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made? A Not that I know of.

Q Did any of them, in fact, live here at that time? A Yes, sir, they lived in Alabama - my father did. He was a boy; he was born in '22.

Q He lived in Alabama until he was grown? A No, sir, not long; he came here a boy seven or eight years old.

Q Do you know where he was living in 1830? A No, sir, I couldn't say; probably my uncle could tell; I think he was living in Alabama, close to the line of Tuscaloosa; that's close to the line.

Q Did any of your ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion to the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know.

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Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q You never heard of any of your ancestors ever having gotten any land here in Mississippi or Alabama from the Government of the United States? A No, sir.

Q

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

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Q Not that I ever heard of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the Treaty of Dancing Rabbit Creek, or ever received any benefits under that article?

A No, sir.

Q Do you know of any written evidence - deeds, or patents, or papers of any kind - which would prove or tend to prove such a state of facts? A Do not.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here today? A I have one.

Q What's his name? A John M. Barrett.

Q Is he any kin to you? A Half uncle. Half brother of my father's.

Q He has no Choctaw blood? A None at all.

Q What do you expect to prove by him, Mr. Moore? A I expect to prove by him the Choctaw - only what his mother told us after she was married to his father. In them days it was kept a kind of a secret when a person had Indian blood; he didn't want it to be known but she told him all about it, so he says.

Q He doesn't know anything about a compliance on the part of your ancestors with the 14th article? A I couldn't say whether he does or not; I don't suppose he does, though. He was nothing but a kid then; a baby. I think he said he was born in '31.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 10th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you desire to make in support of your application? A No, sir. I have a brother, William E. Moore, who lives in the Choctaw Nation, Indian Territory, who was admitted to citizenship in the Choctaw Nation on the 24th day of August, 1897, by the United States Court for the Central Judicial District of the Indian Territory; he appealed from the decision of the Commission rendered in the matter of the application of my brother to said Commission under the Act of Congress approved June 10, 1896. I desire to file in connection with the application made by me at this time, a certified copy of the decree of the United States, admitting my brother, William E. Moore, to citizenship in the Choctaw Nation.

Q Have you any children living who are of age, or married? A Have four of age and one of them married.

Q What are the names of your four children of age? A William M. Benjamin O., Mary F.

Q Next? A Charles H.

Q That all the children you have living who are of age? A Yes, sir.

Q Have you any children dead who left children? A No, sir.

Q How many brothers have you living? A Only one.

Q What's his name? A William E.

Q Where does he live? A Wilburton, Indian Territory.

Q He is the William E. Moore referred to in the decree of Court to

Charles M. Moore, et al., 7.

which you refer in your testimony? A Yes, sir.

Q Have you any brothers dead who left children? A Yes, sir.

Q How many? A Two.

Q What is the name of the oldest? A A. J. Moore.

Q What does the A. stand for? A Absalom.

Q How many did he leave? A Four.

Q Are they living now? A Yes, sir.

Q What are their names? A One Lester H. Moore.

Q Next? A Abbie K., and John, and Vera.

Q What's the name of the other brother? A John H.

Q How many children did he leave? A Four.

Q What are their names? A Daisy Moore, Carl Moore, Anna Moore, and Maggie Moore.

Q Have you any sisters living? A Yes, sir.

Q How many? A One.

Q What's her name? A Mary F. Kelley.

Q Where does she live? A Yazoo City.

Q Has she been before the Commission in the last year? A No, sir.

Q Is she here today for the purpose of making application? A Yes, sir.

Q Have you any sisters dead? A Four.

Q Any of them leave children? A Yes, sir.

Q How many? A Three.

Q What's the name of the oldest one who left children? A Letha Ann Harper.

Q How many children did she leave? A One.

Q What's the name of that child? A Edgar.

Q Is he living now? A Yes, sir.

Q What's the name of your next sister who left children? A Bettie Ann Lewis.

Q How many children did she leave? A I couldn't tell you that; they live in the Territory, at Shadypoint, Indian Territory; I don't know the names of but one or two of them.

Q What's the names of the ones you know? A Frank Lewis, and one named Dell; that's all I know. I never have seen them but one time.

Q What's the name of the next sister who left children? A Viola Neal. She married a man by the name of Neal.

Q Any of her children living now? A One child. I don't think its been applied for.

Q Where does that child live? A There in the Territory.

Q You know the name of the child? A That's what I am trying to think about.

Q Any of your father's brothers or sisters living? A No, sir.

Q How many brothers did he have? A He has got some half brothers living, but no whole brothers; no brothers that had the same father.

Q Did he ever have any full brothers? A Yes, sir, had one.

Q Did he leave any descendants? A Yes, sir.

Q Are any of his descendants living now? A Three of them living; four children.

Q What are the names of those children? A One is named Joab Moore.

Q Where does he live? A Yazoo City.

Q What's the name of the next one? A Next one's name is Josephine Milner.

Q Where does she live? A In Yazoo City.

Q Next one? A Annie Lizzie Blackburn.

Q Have they been before the Commission? A No, sir, they made

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application - that is, Milner did.

Q What's the name of the one that's dead? A Emily.

Q Did she leave any children? A Yes, sir.

Q Are any of those children living? A Yes, sir, four.

Q Where do they live? A In Yazoo County.

Q What are their names? A I have forgotten their names.

Q Have they ever been before the Commission, to your knowledge?

A No, sir, this fellow Milner made application in 1896.

Q Did your father ever have any full sisters? A No, sir.

The affidavit of Caroline Wilson is offered in evidence, identified as Exhibit "B", filed and made a part of the record in this case.

(This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood; he has dark hair, dark complexion and dark eyes.)

(Applicant excused.)

John M. Barrett, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A John M. Barrett.

Q How old are you? A Seventy.

Q What's your post office address? A Couparle, Madison County.

Q How long have you lived in Madison County, Mississippi? A Moved there in '85.

Q Where did you live before that? A I lived in Neshoba County.

Q How long did you live there? A Fifteen years.

Q Where did you live before that? A In Neshoba County five years.

Q Where did you live before you moved to Neshoba County? A I was born in Alabama.

Q What county? A Tuscaloosa County.

Q Lived there until you moved to Neshoba County? A Yes, sir.

Q Have you any Choctaw blood? A No, sir.

Q Are you acquainted with the applicant, Charles M. Moore? A Yes, sir.

Q How long have you known him? A I have known him all his life.

Q Are you any relation to him, Mr. Barrett? A I am his half uncle.

Q Half brother of his father? A Half brother of his father.

Q Where was he born - Charles M. Moore? A Born in Neshoba County, Mississippi.

Q What was the name of his father? A William M. Moore.

Q What was the name of his mother? A Elizabeth.

Q Have any other name? A I don't know whether she did or not.

Q Did you ever hear her called Mary Elizabeth? A It might have been, but I don't know. I don't know whether it was or not, but I know it was Elizabeth.

Q Which one of Charles M. Moore's parents had Choctaw blood, his mother or father? A His father, William M. Moore.

Charles M. Moore, et al.; 9.

Q Do you know how much Choctaw blood William M. Moore had? A His grand father was - now, I don't know this for certain - I only know from the mother's telling me; I can't just state that -

Q Go ahead and state what your mother told you? A She told me she run away from her pa with a Injun Chief's son, and was gone a year before he heard of her, and when he heard of her, he went to see her and tried to get her to come back and she wouldn't go, and he bought her a piece of land and put her on it, her father, and she lived there until he died, and she married again, and married my pa.

Q Well, then, her first husband was the father of William M. Moore, who was the father of this applicant? A Yes, sir.

Q What was the name of William M. Moore's father? A I couldn't tell you; I don't know.

Q You don't know William M. Moore's father's name? A It was Moore, I judge.

Q What was his given name? A I don't know.

Q Did you ever see him? A No, sir.

Q Well, now, do you know the name of William M. Moore's father, this applicant's great grand father on his father's side? A No, sir.

Q Do you know how much Choctaw blood William M. Moore had - this man's father? A Half, it was always thought. You are talking about this man's father?

Q Charles M. Moore's father? A I always thought it was half.

Q You understand that his father --? A Was an Injun; my mother was the same as his, and that would make him half Indian; that's always the way I thought it..

Q You can't think of the father of his father? A No, sir.

Q Where was William M. Moore born? A That's going beyond; he was older than I am; I think it was in Alabama, Tuscaloosa, Alabama.

Q Do you know of the name of any one of the brothers of William M. Moore's father? A No, sir.

Q Or any of his sisters? A No, sir, that's a long time ago.

Q Do you know where William M. Moore was living in the year 1830?

A I don't know; I could guess at that and tell.

Q Where do you think he was living? A I think he was living - it must have been in Tuscaloosa County, Alabama; that is guess work, but it must have been.

Q His father was living in 1830, was he? A No, sir, his father was dead when William M. Moore was a child.

Q Do you know whether any of the ancestors of this applicant, William M. Moore, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

Q Did you ever hear of any of them ever having gotten any land from the Government, or any money? A No, sir.

Under the provisions of that 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Indians as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which

Charles M. Moore, et al., 10.

Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842, and heard a great many of these Choctaw cases.

Q Do you know whether any of the ancestors of Charles M. Moore ever appeared before any of these commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't know.

Q Do you remember when these commissioners were down here? A I recollect when I was nine years old about them; I recollect when they left Neshoba County.

Q You don't know whether any of his people went before these Commissioners? A No, sir, I don't know. If they did, I don't know it.

Q Well, your mother was living there in Neshoba then was she?

A Yes, sir, she died in '53, and Charles M. Moore was living there then.

Q If his mother tried to establish rights for him under that 14th article, you don't know it? A No, sir, if she did, I don't know it.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did you ever hear of the ancestors of this applicant ever having gotten any of this scrip from the Government of the United States under this Act of Congress? A Never did.

Q You never heard of any of them ever having received any benefits whatever as Choctaw Indians? A No, sir.

Q Is there anything else you want us to ask this witness?

By Applicant, Charles M. Moore:

You might ask him if he knows me to be the son of William M. Moore and Elizabeth Moore? A

By Witness:

He is.

Charles M. Moore, et al., 11.

By Commission:

How many other children did your - they have? A I wasn't very well acquainted with the whole family of children.

Q Name those whose names you remember? William M. Moore and Mary Elizabeth's children? A Ab J.

Q Next one? A Mary P. Kelley.

Q Next one? A John Moore and William B. Moore; that's all I remember of them.

Q Are you interested in any way in the result of this application?

A No, sir.

Q What's your occupation? A I am a farmer.

(The witness is a whiteman of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 17th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

W. H. C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles M. Moore, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5309
Mary E. Logan, et al.,	M.C.R. 5308
Bettie A. Kinnison, et al.,	M.C.R. 5307
John D. Kelly,	M.C.R. 5306
Lester H. Moore, et al.,	M.C.R. 5305
Abbie Clark, et al.,	M.C.R. 5304
John Moore, et al.,	M.C.R. 5303.

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Charles M. Moore for himself and his three minor children,
Thomas M., George B. and Carl M. Moore; by William M. Moore for
himself and his minor child Theresa Moore; by Benjamin O. Moore
for himself; by Mary F. Moore for herself; by Charles H. Moore for
himself; by Mary F. Kelly for herself and her three minor children,

Hattie V., Grever C. and Pat Kelly; by Charles W. Kelly for himself and his four minor children, Annie M., John V., William and Clara E. Kelly; by Benjamin S. Kelly for himself and his minor child, Mary L. Kelly; by Mary E. Logan for herself and her four minor children, Ethel, Butler, Emory and Ruby Lee Logan; by Bettie A. Kimmison, for herself and her minor child, Myrtle I. Kimmison; by John D. Kelly, for himself; by Lester H. Moore, for himself and his minor child Ouida Moore; by Abbie Clark, for herself and her two minor children, Absalom O. and Inez Clark; and by Lucinda Moore, for her two minor children, John and Vera Moore, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Nitacature, who is alleged to have been a Choctaw Indian, degree of blood not positively stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe.

or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

The record herein shows that there has been filed a certified copy of a decree rendered by the United States Court, for the Central District, Indian Territory, in the case of Wm. H. Moore, et al., vs. the Choctaw Nation, wherein certain persons were adjudged citizens by blood of the Choctaw Nation, but it does not appear that any one of these applicants was a party to said suit, or that their rights as Mississippi Choctaws were therein adjudicated.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Hitachure signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 190) and August 25, 1842, (5 Stat., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles H. Moore, Thomas H. Moore, George B. Moore, Carl H.

Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover O. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Jams Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

APR 21 1903

(SIGNED)

W. E. Chaney

COMMISSIONER.

Miss. Choctaw 5316

Muskogee, Indian Territory, May 8, 1908.

W. H. Moore,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your recent letter inclosing certified copy of the decision of the United States Court for the central District of Indian Territory in the case of Wm. H. Moore, et al. vs. the Choctaw Nation, which you ask to have filed in support of the claim of Charles M. Moore, et al., and the same has been filed with the record in that case.

Yours truly,

Commissioner in Charge.

M.C.R. 5316

COPY.

Muskogee, Indian Territory, April 21, 1903,

Mansfield, McWurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles R. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Rattie V. Kelly, Grover C. Kelly, Pat Kelly,

M M & C - 5316

-2-

Charles W. Kelly, Annie M. Kelly, John E. Kelly, William Kelly, Clara E. Kelly, Benjamin B. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Henry Logan, Ruby Lee Logan, Nettie A. Kinnison, Myrtle I. Kinnison, John B. Kelly, Lester E. Moore, Ouida Moore, Abbie Clark, Absalom G. Clark, Ines Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHENESE

Tame Dixie.

Chairman.

COPY.

M.C.R.5316

Muskogee, Indian Territory, April 21, 1903.

Charles M. Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5316
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CR. 280
Tams Dixey

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, May 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Charles M. Moore, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 21, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Charles M. Moore, et al.,	M.C.R. 5316,
William M. Moore, et al.,	M.C.R. 5318,
Benjamin O. Moore,	M.C.R. 5314,
Mary F. Moore,	M.C.R. 5313,
Charles M. Moore,	M.C.R. 5312,
Mary F. Kelly, et al.,	M.C.R. 5311,
Charles W. Kelly, et al.,	M.C.R. 5310,
Benjamin S. Kelly, et al.,	M.C.R. 5325,
Mary E. Logan, et al.,	M.C.R. 5309,
Bettie A. Kinnison, et al.,	M.C.R. 5308,
John D. Kelly,	M.C.R. 5326,
Lester H. Moore, et al.,	M.C.R. 5327,
Abbie Clark, et al.,	M.C.R. 5307,
John Moore, et al.,	M.C.R. 5351.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by

The Secretary----2.

letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Dixby.
Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5316.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND 30,382-1903.

June 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith for departmental action, record of the Commission to the Five Civilized Tribes, in the matter of the application of the following persons for identification as Mississippi Choctaws, wherein a decision adverse to their claims was rendered by the commission on April 21, 1903: Charles M. Moore for himself and his three minor children, Thomas M., George B. and Carl M. Moore: by William M. Moore for himself and his minor child Theresa Moore: by Benjamin O. Moore for himself; by Mary F. Moore for herself: by Charles H. Moore for himself: by Mary F. Kelly for herself and her three minor children, Hattie V., Grover C. and Pat Kelly; by Charles W. Kelly for himself and his four minor children, Annie M., John F., William and Clara E. Kelly: by Benjamin S. Kelly for himself and his minor child, Mary L. Kelly; by Mary E. Logan for herself and her four minor children, Ethel, Butler, Emory and Ruby Lee Logan; by Bettie A. Kinnison, for herself and her minor child, Myrtle I. Kinnison; by John D. Kelly, for himself; by Lester H. Moore, for himself and his minor child

Guida Moore; by Abbie Clark, for herself and her two minor children, Absalom O. and Ines Clark; and by Lucinda Moore, for her two minor children, John and Vera Moore.

The record in this case shows that the applicants base their claims to identification on their descent from Nitacature, a Choctaw Chief, and McCager Moore, who, it is claimed, were citizens of the Choctaw Nation, in Mississippi, or Alabama, in 1830, and as such were applicants or beneficiaries under the provisions of article 14 of the Choctaw Treaty of that year.

Certain evidence was filed with reference to a decree rendered by the United States Court for the Central district, Indian Territory, in the case of William E. Moore, et al., versus the Choctaw Nation, wherein certain persons were adjudged citizens by blood of the Choctaw Nation, it being claimed that these persons were relatives of the applicants involved in this case, but the Commission states it does not appear that any of the applicants herein were parties to said suit or that their rights as Mississippi Choctaws were therein adjudicated.

The commission rejected the applicants for the reason that an examination of its records did not show that Nitacature was one of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office show that there was a Ne-tu-cha-cha who was a beneficiary under the 19th article of the Choctaw Treaty of 1830, and Ne-ta-ka-cha, a Mingo of

the Choctaw tribe, the head of a district, who was a beneficiary under the supplement to the Choctaw treaty, but it does not appear that there was any Mitacature or a person of a similar name who was a beneficiary under the 14th article of the Choctaw treaty of 1830, nor was McCager Moore a beneficiary under that article of the Choctaw Treaty.

These being the facts, it is evident that the applicants are not entitled to identification as Mississippi Choctaws on their application in this case, and I recommend that the decision of the commission rejecting them be approved.

Very respectfully,

W. A. Jones,
Commissioner.

(E.B.H.)
P.

COPY.
DEPARTMENT OF THE INTERIOR
WASHINGTON.

RAJ

DADA 17760
IRS 2102-1903.

June 23, 1903.

IRS

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 7, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Charles M. Moore and his minor children, Thomas M., George B. and Carl M. Moore; of William M. Moore and his minor child, Theresa Moore; of Benjamin O. Moore; of Mary F. Moore; of Charles H. Moore; of Mary F. Kelly and her minor children, Hattie V., Grover C. and Pat Kelly; of Charles W. Kelly and his minor children, Annie M., John F., William and Clara E. Kelly; of Benjamin S. Kelly and his minor child, Mary L. Kelly; of Mary E. Logan and her minor children, Ethel, Butler, Emory and Ruby Lee Logan; of Bettie A. Kinnison and her minor child, Myrtle I. Kinnison; of John D. Kelly; of Lester H. Moore and his minor child Ouida Moore; of Abbie Clark and her minor children, Absalom O. and Inez Clark; of Lucinda Moore for her minor children, John and Vera Moore.

The applicants claim rights to Choctaw lands

under article 14 of the treaty of 1830, by reason of being descendants of Mitacature, through his son, McCager Moore, grandfather of Charles M. Moore, it being alleged that said ancestors were Choctaw Indians and resided in Mississippi or Alabama in 1830.

The evidence furnished by the record fails to show that said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any one by the name of Mitacature or McCager Moore complied or attempted to comply with said article or acts.

It appears from the record in the case of William E. Moore et al., versus the Choctaw Nation, that certain persons were adjudged citizens by blood of the Choctaw Nation, but it does not appear that any of the applicants herein was a party to said suit or that their rights as Mississippi Choctaws were therein adjudicated.

Reporting June 13, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully received the whole

record and finds no reason to disturb your decision. It
is therefore affirmed.

Respectfully,

(signed) B. A. HITCHCOCK
Secretary.

1 inclosure.

M.C.R. 5516.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 5316.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Charles M. Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

T. B. Needles.

Commissioner in Charge.

CARD NO.

NAME

RESIDENCE
COUNTY

POST OFFICE

AGE

SEX

REFER TO M. C. R. 5716

Charles M. Moore
et al

Consolidated Case

Measure ?
factor of

Moore !

William Meager Moore
wife

Mary Elizabeth Moore

* Nettieajah

* Sec. testimony m
MEP 5351

Charles M. Moore 56 1/6

wife

Alice K (or Mary Alice) Moore

Mary J. Moore 52 1/8

mar

John P. Kacey

William M Moore 32 1/6

wife
Lizzie Moore

Benjamin O. Moore 26 1/6

Mary J. Moore 23 1/6

Charles H. Moore 21 1/6

Thomas M. Moore 13

George B. Moore 11

Carl M. Moore 9

Charles W. Kacey 32 1/6

wife

Hylie Kacey

Benjamin S. Kacey 29 1/6

wife

Myrtle Kacey

Mary C. Kacey 27 1/6

mar

Edna C. Logan

Bettie A. Kacey 24 1/6

mar

William C. Kinnison

John D. Kacey 22 1/6

Hattie T. Kacey 20

Grover C. Kacey 17

Pat Kacey 11

Theresa Moore 6

Annie M. Kacey 7

John F. Kacey 5

William Kacey 3

Clara C. Kacey 8mo

Mary L. Kacey 8mo

Edna Logan 7

Bella Logan 5

Emory Logan 11

Lucy Lee Logan 9mo

Myrtle D. Kinnison 17mo

Nicaraguan ?
father of

Moore ?

William Micager Moore
wife
Mary Elizabeth Moore

a Admitted by United States
Court, Central District, and
Aug 24/97, Case No. 7.

John N. Moore, dead
wife
Victoria Moore

Absolom J. Moore 1/8
wife
Lucinda K. Moore, w.

William C. Moore 4/1
wife
Catherine Moore

Ketch Ann Moore dead
mar
W. W. Harper

Bettie Ann Moore, dead
mar
Lewis

Viola Moore, dead,
mar
Neal

a Daisy D. Moore 23
mar
George H. Brainin
a Carl D. Moore 20
a Anna G. Moore 18
a Maggie C. Moore 16

Hester H. Moore 22 1/2
wife
Mamie Moore
a Abbie Moore 20 1/2
mar
Clinton S. Clark
John Moore 14 1/2
Vera Moore 11 1/2

a William K. Moore 20
a Fizzie Moore 18
mar
Allen M. Murtry
John M. Moore 16
a Absolam K. Moore 11
a Jackson Moore 11
a Freda Gertrude Moore 7
a Born small daughter of ...

Edgar B. Harper 11

Frank Lewis
Dee Lewis

Quida Moore 1 1/2

Absolom O. Clark 2
Inez Clark 6 mo.

Oliver W. M. Murtry 6
a Born near death of ...

#2064

No. 5216

For Identification as a Mississippi Choctaw.
Meridian Miss

Date

APR 17 1902

Name

Charles M. Moore

Age

56

Blood

1/8

Post Office,

Yazoo City, Miss.

Father:

William M. Moore d

Mother:

Mary E. " d

Claims through

father

wife

Alice K. Moore L

no claim for her.

For self and 3 minor children

Children:

Thomas M. Moore 13

George B. " 11

Carl M. " 9

Stenographer

R. S. Smith

Choctaw MCR 5317

Ira B. Bryce

See MCR 5241, 5242, 5505

MCR 5317

sub

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Ira B. Bryce, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Ira B. Bryce, et al.,	M.C.R. 5317
Delia Bryce, et al.,	" 5241
Frances Jane Bell, et al.,	" 5242
Lissie Marshall, et al.,	" 5805

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 23, 1906.

5317

In the matter of the application of Ira B. Bryce for the identification of himself and his minor child, Kore B. Bryce, as Mississippi Choctaw.

Applicant not represented by attorney.

Ira B. Bryce being sworn testified as follows;

Examination by the Commission:

- Q What is your name? A Ira B. Bryce.
Q What is your age? A Forty six.
Q What is your post office address? A Eufaula, Indian Territory.
Q How long have you lived at Eufaula? A Two years and better.
Q Where did you live before that? A I lived near and at Atoka.
Q In Atoka County? A Yes sir.
Q How long did you live there- about? A In Atoka County about five years.
Q Where did you live before that? A In Scullyville County.
Q How long have you lived in the Indian Territory continuously.
A I have been in the Indian Territory about fifteen years; but there's two years of the time that I was out- or nearly three.
Q But you have lived here more than five years last past? A Yes sir; about five years this last time.
Q Where were you born? A Georgia.
Q From Georgia you went where? A Arkansas.
Q At what age? A At about twenty seven years old.
Q How long did you stay in Arkansas? A Four years.
Q Then you went where? A To the Nation.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What is your father's name? A James Bryce.
Q What was your mother's name? A Nellie Bryce.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One fourth.
Q Has your mother ever been recognized in any way or enrolled as a

member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?

A No sir, not that I know of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mary Ann Bryce.

Q Is she living? A Yes sir.

Q Is she a white woman or Indian? A White woman.

Q You make no claim for her? A None.

Q Have you any children under twenty one years of age and unmarried that you wish to make application for? A One child; Zoro B. Bryce.

Q What is the age? A Nineteen.

Q Not married? A No sir.

Q That's the only child you wish to claim for? A That's all.

Q Is Mary Ann Bryce the mother? A Yes sir.

Q And you are the father? A Yes sir. I have two boys but they are both married.

Q He is living with you at your home, is he? A Yes sir.

Q When and where were you married to your wife? A In Georgia.

Q What day of the month? A The 31st July 1873.

Q Is your name or the name of your child on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Have you ever made application for yourself and son for citizenship in the Choctaw nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q You never went to the council to be admitted? A No sir.

Q Have you ever made application for citizenship in the Choctaw nation for yourself and son to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q You never made any application of any kind to the Dawes Commission before this? A Yes, this is the first application I have ever made; I went into contract with lawyer Telle, and I never got my name in.

Q But your name never went in as a citizenship claimant? A No sir.

Q This is the first application then that has ever been made for citizenship in the Choctaw nation either to the Choctaw tribal authorities or the authorities of the United States? A Yes sir.

Q Do you now come before the Commission to be identified and for the identification of your son as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Well, I can't say that I really understand it.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of the treaty was the removal of the Choctaw Indians as a Nation from the old Nation East of the Mississippi River to the Choctaw nation in the Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw nation Indian Territory and in order to protect their interests article fourteen was drafted and put into the treaty of 1830. That article

was drafted and inserted into that treaty for the especial benefit and to protect the interests of those Choctaw Indians who stayed back in the old Choctaw nation, East of the Mississippi River; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors as far as you know comply or attempt to comply with the conditions of that article of that treaty? A I can't say whether they did or not; I don't know.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Cravat.

Q Give me the full name? A John Cravat is all I know.

Q C-r-a-v-a-t? A That's the way they spell it.

Q What relation to you? A He would be my grandfather.

Q Did he live in the State of Mississippi? Alabama? A In the State of Mississippi.

Q Did he live in the old Choctaw nation in that State? A Well, near the Tombigbee River, near Holly Springs.

Q Did he live there in 1830 and was he the head of a family there then? A I don't know whether he was or not; I think he came West with the first Indians I forget I don't know the date.

Q Was he married when he came West? A Yes sir.

Q And had children then? A Yes sir.

Q When did he come West? A I can't say.

Q About when? A Before Judge Ward did- I think.

Q Who was Judge Ward? A Well, wasn't he an Indian that brought some out?

Q No. A Well, there was some Indian that brought some out.

Q There was Colonel William Ward a white woman and who was the United States Indian agent. A I can't say the name.

Q Col. Ward didn't come West? A Well, there was an agent; what was his name- that brought- wasn't there about three batches? but I think he came before the last one.

Q Well, that would be after the treaty was made in 1830. A I suppose.

Q Did they come under the provisions of that treaty? A I can't say.

Q Well, a good many Indians came; was that the time when your grandfather came? A Yes, when a good many came.

Q Was he removed to the Choctaw Nation in the Indian Territory at the expense of the Government? A I don't know.

Q Do you know where he settled when he came to the Choctaw Nation, Indian Territory? A Well, nothing only by hear say.

Q What have you heard? A In the South Eastern portion of the Choctaw nation.

Q Did he die there? A Yes sir.

Q Do you know where his grave is? A No sir.

Q When did he die? A I can't tell you.

Q How old was he when he died? A I don't know that.

- Q Don't know how old he would be if living now? A No sir.
- Q Were all his descendants then born in the Indian Territory?
- A I can't say.
- Q Where were you born? A In Georgia; of course not all his descendants.
- Q How did your people happen to get back in Georgia? A Father moved.
- Q From the Indian Territory? A Yes, from Mississippi and back.
- Q Was your father living when John Cravat left Mississippi for the Indian Territory? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q Was she living when her father, John Cravat came to the Indian Territory? A Yes sir.
- Q Did she come with him? A No sir.
- Q She stayed in Mississippi? A Yes sir.
- Q She wasn't married then was she? A No sir-- yes, I think they were.
- Q How old would your mother be if living now? A Well, I don't know her age exactly. But she would be over 100 years old.
- Q Then she was living in Mississippi in 1830? A Yes sir.
- Q Was she married then? A Yes she was married when she was living there in Mississippi.
- Q Nellie Bryce--? A Yes sir.
- Q Then your mother, Nellie Bryce was your Choctaw ancestor? A Yes sir.
- Q Through whom you claim who lived in Mississippi in 1830 and was the head of a family there at that time? A She was married there at that time; yes sir.
- Q What was her husband's name? A James Bryce.
- Q Did your mother come to the Indian Territory with her husband?
- A No sir.
- Q She stayed back in Mississippi, did she? A Yes sir.
- Q And her husband afterwards went back to her? A To Georgia.
- Q Did she go with him to Georgia? A Yes sir.
- Q Do you know where in Mississippi your mother was born? A No sir, I can't say whereabouts.
- Q Can you tell how much Choctaw blood she had? A She was considered a half breed.
- Q Well, you don't look as though you were a quarter. A No, I don't show much I take after my father's side; I have some brothers and sisters who look almost half blood.
- Q Your eyes are blue? A Yes; take after my father's side.
- Q Complexion is light, a little ruddy? What was your hair formerly?
- A Black.
- Q Well, your mustache is brown. A Well, my hair used to be black; they used to brag on my hair a good deal on account of its being so black.
- Q Did your mother or any of your Choctaw ancestors own any improvements on land in Mississippi in the old Choctaw nation in 1830?
- A I can't say; I don't know.
- Q Did she or any others of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, within six months after the ratification-- he had an agency in Mississippi at that time-- and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors through whom you claim your Choctaw blood go from the old Choctaw Nation, East of the Mississippi River to the Choctaw nation, Indian Territory with the other Indians between 1833 to 1838? A Well, I don't know whether they went that date or not.

Q Well, none of your Choctaw ancestors went any way, did they? Your father was a white man? A Yes sir.

Q And your mother didn't go? A No.; but my grandparents came.

Q Who? Did your Choctaw ancestor, John Cravat? A Yes sir.

Q He had Choctaw blood? A Yes sir.

Q But he was not the head of a family through whom you claim who lived in Mississippi in 1830; you claim through your mother? A Yes sir.

Q She had a g family there then? A Yes sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A I don't know.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States, and thereupon they would be entitled to take land in Mississippi and hold it for five years at the end of which time they would receive a deed of it from the Government. A good many Indians went to Col. Ward the United States Indian agent, within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there whose names Col. Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both land and improvements; both were taken from them by the Government and sold at Public Land Sale. This caused a great many complaints among the Indians so that in 1837 by an act approved March 3, that year, a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your ancestors if Choctaw ancestors went before either of these two Commissions and claimed any rights or benefits under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and if it also further appeared that

he had land in the old Choctaw nation which the Government had taken from him and sold, that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A None that I know of.
- Q Who was Delia Bryce? A A niece of mine.
- Q She has made application to be identified, has she not, before the Commission as a Mississippi Choctaw? A Yes sir.
- Q Have you any other relatives who have appeared here? A I have another one- Fannie Bell.
- Q These two? A Yes sir.
- Q Any others? A No others that's been before the Commission as Mississippi Choctaws; I have one that's been before the Dawes Commission to be recognized as Choctaw by blood- Lizzie Marshall; then Delia and Fannie Bell; Delia and Fannie was here the other day and made application for Mississippi Choctaws.
- Q That's all is it? A Yes sir, that's been before the Commission that I know.
- Q Do you want to have the testimony given by Delia Bryce and Fannie Bell considered as part of your own testimony? A Yes sir.
- Q Would you like to have these cases all consolidated? A Yes sir.
- Q And Lizzie Marshall if she makes application? A Yes sir.
- Q Have you any evidence of any kind that you would like to have introduced now? A No sir.
- Q You have no testimony further? A No sir.
- Q Do you speak the Choctaw language? A No sir, I know a few words; I don't claim to understand it or speak it.
- Q Is there anything more you want to say in support of this claim? A Nothing that I know of. My father was making preparation to come out here when my mother was taken sick and died.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, ruddy complexion gray hair, which he claims was formerly black, brown mustache a little gray. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of May, 1902.

Charles H. Sawyer

Notary Public.

442.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ira B. Bryce, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of -

Ira B. Bryce, et al.,	M.C.R. 5317
Delia Bryce, et al.,	M.C.R. 5241
Frances Jane Bell, et al.,	M.C.R. 5242
Lizzie Marshall, et al.,	M.C.R. 5505

DECISION.

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Ira B. Bryce for himself and his minor child, Lero B. Bryce; by
Delia Bryce for herself and her seven minor nephews and nieces,
Thomas Hiram, Ethel Estell, Pushma-ta-ha, Joseph Edgar, William B.,
Letha S. and Polly M. Bryce; by Frances Jane Bell for herself and
her two minor children, Effie Ann and Archie Bryce Bell; and by
Lizzie Marshall for herself and her three minor children, Ellen,
Netter and Ula Marshall, under the following provision of the act
of Congress approved June 26, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses, and perform all other

acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Cravat, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Cravat, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented

a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ira B. Bryce, Eore B. Bryce, Delia Bryce, Thomas Hiram Bryce, Ethel Estell Bryce, Pushma-ta-ha Bryce, Joseph Edgar Bryce, William B. Bryce, Letha S. Bryce, Polly M. Bryce, Frances Jane Bell, Effie Ann Bell, Archie Bryce Bell, Lissie Marshall, Ellen Marshall, Netter Marshall and Ula Marshall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Sam E. Doby.

Acting Chairman.

T. D. Needles.

Commissioner.

C. E. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 25 1902

Muskogee, Indian Territory, October 25, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ira B. Bryce, et al., embracing the following applications for identification as Mississippi Choctaws:

Ira B. Bryce, et al.,	M.C.R. 5317
Delia Bryce, et al.,	" 5241
Frances Jane Bell, et al.,	" 5242
Lizzie Marshall, et al.,	" 5505

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ira B. Bryce, Zoro B. Bryce, Delia Bryce, Thomas Hiram Bryce, Ethel Estell Bryce, Pushma-ta-ha Bryce, Joseph Edgar Bryce, William B. Bryce, Letha S. Bryce, Polly M. Bryce, Frances Jane Bell, Effie Ann Bell, Archie

--2--

Bryce Bell, Lizzie Marshall, Ellen Marshall, Netter Marshall and Ula Marshall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants herein have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.
Acting Chairman.

COPY.

M. C. R. 5317

Muskogee, Indian Territory, October 25, 1902.

Ira B. Bryce,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ira B. Bryce, et al., embracing the following applications for identification as Mississippi Choctaws:

Ira B. Bryce, et al.,	M.C.R. 5317
Delia Bryce, et al.,	" 5241
Frances Jane Bell, et al.,	" 5242
Lizzie Marshall, et al.,	" 5505

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ira B. Bryce, Kore B. Bryce, Delia Bryce, Thomas Hiram Bryce, Ethel Estell Bryce, Puckma-ta-ha Bryce, Joseph Edgar Bryce, William B. Bryce, Letha S. Bryce, Polly M. Bryce, Frances Jane Bell, Effie Ann Bell, Archie Bryce Bell, Lizzie Marshall, Ellen Marshall, Netter Marshall and Ula

Marshall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior for review through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Dixby
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, November 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ira B. Bryce, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 25, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Ira B. Bryce, et al.,	N O R 3317
Delia Bryce, et al.,	N O R 3341
Frances Jane Bell, et al.,	N O R 3342
Lizzie Marshall, et al.,	N O R 3305

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith for the consideration of the Department in connection with this case, the joint affidavit of Delia Bryce and Lizzie Marshall; a sworn petition of Lizzie

COPY

Marshall and Helen Bryce, and the affidavits of Sam T. Perry and
Totian Edwards.

Respectfully,

(SIGNED)

James Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. H C R 3217

Land.
68308-1902.

COPY.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. February 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Ira B. Bryce, for himself and his minor child, Zora B. Bryce; by Delia Bryce, for herself and her seven minor nephews and nieces, Thomas Hiram, Ethel Estell, Push-ma-ta-ha, Joseph Edgar, William B., Letha S. and Polly M. Bryce; by Frances Jane Bell, for herself and her two minor children, Effie Ann and Archie Bryce Bell; and by Lizzie Marshall, for herself and her three minor children, Ellen, Netter and Ula Marshall, wherein a decision adverse to the applicants was rendered by the Commission on October 25, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application on their descent from John Cravat, who it is alleged was a Choctaw Indian and resided in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through his daughter, Nellie Bryce, nee Cravat.

The Commission rejected the applicants because the names of their ancestors through whom they claim do not appear among the names of those who complied or attempted to comply with the provisions of

the 14th article of the treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

The applicants have submitted a motion dated November 7, 1902 asking that the case be remanded to the Commission to the Five Civilized Tribes, for the purpose of the submission of newly discovered evidence to the effect that they have learned that their grandfather was William and not John Cravat, and that their ancestor, Nellie Bryce, nee Cravat, was in some way related to John and James Perry, who remained in Mississippi under the provisions of the 14th article of the Choctaw treaty. William Cravat and John and James Perry were beneficiaries under the 19th article of the Choctaw treaty, and therefore a rehearing of this case would in nowise aid them in securing identification. Therefore I recommend that this application be denied.

An examination of the records of this office discloses the fact that the names of the ancestors claimed under do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. These being the facts it is respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

A.C. TONNER.

Acting Commissioner.

C.T.C. (R)

D.C. 4817

COPY

J.W.H

DEPARTMENT OF THE INTERIOR.

WHR.

I.T.D. 1146-1903. W A S H I N G T O N .

February 18, 1903.

L R S.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 11, 1902, you transmitted the record in the consolidated case embracing the applications of Ira B. Bryce (M.C.R. 5317), Zero B. Bryce, Della Bryce, Thomas Hiram Bryce, Ethel Estell Bryce, Pushma-ta-ha Bryce, Joseph Edgar Bryce, William B. Bryce, Letha S. Bryce, Polly M. Bryce, Frances Jane Bell, Effie Ann Bell, Archie Bryce Bell, Lizzie Marshall, Ellen Marshall, Netter Marshall and Ula Marshall, for identification as Mississippi Choctaws, together with your decision of October 26, 1902, which was adverse to the applicants.

It seems that these claimants, consisting of several generations, are the descendants of Mrs. James Bryce, formerly Nellie Cravat, a half blood Choctaw and the daughter of one William Cravat, whose father was one John Cravat.

You denied the application on the ground that the records of the Government in your possession fail to show that any of the alleged ancestors complied or attempted to comply with the provis-

ions of article fourteen of the treaty of September 26, 1830, or with the subsequent acts relating thereto.

Since your decision was rendered a motion has been filed under date of November 7, 1902, signed by applicants Lizzie Marshall and Della Bryce praying "the Department to refer our case back to the Commission with instructions to hear our new and material evidence." Said motion is in the form of an affidavit in which it is claimed that the applicants have discovered other and material evidence in support of their case, and that they can prove that their ancestors complied with article fourteen of the treaty of 1830.

In reference thereto it is noted that they do not state by what facts they expect to prove their allegations.

Accompanying their motion is an affidavit of one Sam P. Perry who states that he was in Mississippi at the time the Choctaws sold their country; that Captain James and John Perry signified their intention to remain in Mississippi and take land and become citizens of the State under the five years stay provided in the treaty of 1830; that there was a woman named Nellie Cravat there with the Perry's and that she was related in some way to them.

It will be observed that this affidavit does not show that Nellie Cravat signified, in person or by proxy, an intention to comply with the provisions of article fourteen of the treaty of 1830, or that she was so related to the Perry's as to derive any benefit from their action, even though they complied therewith.

Said motion for a rehearing is also accompanied by the affidavit of Tobias Edwards, who states that he is ninety years of age; that he was born in Mississippi and came to the Choctaw Nation in

----3

1833; that he was acquainted with the Cravat family in the State of Mississippi and that William, Charles and John Cravat, and their families "were at the agency of Colonel Ward in 1831 and tried to comply with the provisions of the 14th article of the treaty as the Cravats did not want to leave Mississippi."

He further states: "I saw them there, know they were there for that purpose; I do not know whether or not they did comply with the provisions of the treaty. They were there with Tisopia, Tooklontubbee, and John Perry. I do not know anything about what became of the Cravats, they were in Mississippi when I left there, and I have not seen them since. I do not know the applicants in this case, and do not know anything about their parentage. I have no interest in the Matter."

An examination of the facts and statements contained in said affidavit shows that the affiant was acquainted with certain persons having the same name as the ancestors of these applicants. He does not however, know the applicants themselves, nor does he give any testimony whatever by which it can be determined that the persons to whom he refers in his affidavit are identical with the ancestors of the claimants in the case.

Reporting in the matter February 2, 1903, the Acting Commissioner of Indian Affairs stated:

The applicants have submitted a motion dated November 7, 1902, asking that the case be remanded to the Commission to the Five Civilized Tribes for the purpose of the submission of newly discovered evidence to the effect that they have learned that their grandfather was William and not John Cravat, and that their ancestor Nellie Bryce, nee Cravat, was in some way related to John and James Perry, who remained in Mississippi under the provisions of the 14th article of the Choctaw treaty. William Cravat and John and James Perry were beneficiaries under the 19th article of the Choctaw treat-

-----4

ty and therefore a rehearing of this case would in no wise add them in securing identification. Therefore I recommend that this application be denied.

An examination of the records of this office discloses the fact that the names of the ancestors claimed under do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. These being the facts it is respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

In view of the complete record the Department is of the opinion that the evidence before it does not warrant the identification of these applicants as Mississippi Choctaws, and for the reasons heretofore stated as well as those contained in the report of the A Acting Commissioner, a copy of which is inclosed, their application for a rehearing is denied.

You are directed to furnish the principal applicant with a copy of this letter.

Your decision is accordingly hereby affirmed.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 Inclosure.

COPY.

M.C.R. 5317

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ira B. Bryce, et al., of which decision you were advised by mail on the 25th day of October, 1902.

Respectfully,

(SIGNED).

Tame Doby
Chairman.

COPY.

M.C.R. 5317

Muskogee, Indian Territory, February 28, 1903.

Ira E. Bryce,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ira E. Bryce, et al., of which decision you were advised by registered mail on the 25th day of October, 1902, and at the same time directed that you be furnished a copy of his decision in said case, which is herewith inclosed.

Respectfully,

(SIGNED).

Tame Dixby.

Chairman.

Enc. M.C.R. 5317

M G R 5317

Muskogee, Indian Territory, July 23, 1906.

Fannie Bell,

Kiowa, Indian Territory.

Dear Madam:

The petition transmitted to this office with your letter of June 21, 1906, for a review of the applications of yourself and Delia Bryce and requesting that you be enrolled as citizens by blood of the Choctaw Nation, has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Ira B. Bryce, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes adverse to the applicants, was forwarded the Department November 11, 1902.

February 18, 1903 (I T D 1146-1903), the Department affirmed the decision of said Commission rendered October 26, 1902.

June 22, 1906, this office received a petition signed Yannie Bell and Delia C. Bryce, praying that they be given an opportunity to establish their right to enrollment as citizens by blood of the Choctaw Nation. The petition is herewith transmitted.

It is believed that the petitioners are identical with the Frances Jane Bell and Delia Bryce who are applicants in the above consolidated case.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

KCM 25/3

Refer in reply to
the following:

Land
68306-1902.
11447-1903.
83847-1906.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of February 19, 1903, (I.T.D. 11046-1903), I have the honor to transmit herewith a petition signed by Fannie Bell and Delia C. Brice, praying that they be given an opportunity in connection with the consolidated Mississippi Choctaw case of Ira C. Brice, et al., to establish their right to enrollment as citizens by blood of the Choctaw Nation. There is also inclosed the record in the case.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

HEM-KEM.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

C.R.W.

LLB

D.C. 53236-1906.
I.T.D. 1146-1903.
2973- "
4387- "
20536-1906.

December 1, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 11, 1906 (Land 63647), the Indian Office transmitted the petition of Fannie Bell and Delia C. Brice, praying that they be given an opportunity, in connection with the consolidated Mississippi Choctaw case of Ira C. Brice, et al., to establish their right to enrollment as citizens by blood of the Choctaw Nation.

February 18, 1903, the Department affirmed the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

Said petition presents no new matter of law or fact not shown to have been passed upon previously by the Department, and it is accordingly denied.

A copy of the Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Through the Commissioner
of Indian Affairs.

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inc. and 5 to Ind. Of.

REPLY IN REPLY TO THE FOLLOWING:

MCR 5317

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 18, 1906.

Ira B. Bryce,

Bufaula, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 1, 1906, denied the petition of Fannie Bell and Delia C. Bryce, filed with this office June 22, 1906, praying that they be given an opportunity, in connection with the consolidated Mississippi Choctaw case of Ira C. Bryce, et al., to establish their rights to enrollment as citizens by blood of the Choctaw Nation.

Respectfully,



Commissioner

Muskogee, Indian Territory, December 18, 1906.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 1, 1906, denied the petition of Fannie Bell and Delia C. Bryce, filed with this office June 22, 1906, praying that they be given an opportunity, in connection with the consolidated Mississippi Choctaw case of Ira C. Bryce, et al., to establish their rights to enrollment as citizens by blood of the Choctaw Nation.

This case includes the following persons:

Ira B. Bryce
Delia Bryce
Ethel Estell Bryce
Joseph Edgar Bryce
Letha S. Bryce
Frances Jane Bell
Archie Bryce Bell
Ellen Marshall
Ula Marshall

Zoro B. Bryce
Thomas Hiram Bryce
Pushma-ta-ha Bryce
William B. Bryce
Polly M. Bryce
Effie Ann Bell
Lizzie Marshall
Netter Marshall

It does not appear that there are any proceedings now pending in this case.

Respectfully,

Commissioner.

MCR 5317

COPY

Muskogee, Indian Territory, December 18, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of December 1, 1906, denying the petition of Fannie Bell and Della C. Bryce, filed with this office June 22, 1906, praying that they be given an opportunity, in connection with the consolidated Mississippi Choctaw case of Ira C. Bryce, et al., to establish their rights to enrollment as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Commissioner.

JWH 18-7

N. FREEDMEN ROLL.

THE

FATHER'S TRIBAL ENROLLMENT

YEAR

COUNTY

NO.

FATHER'S OWNER

NAME OF MOTHER

Y

REFER TO M. C. R.

Ira B. Bryce
et al

Consolidated Case

John Cravat,
free black

James Bryce
mar

Nellie Bryce, 12
nee Cravat

William Hiram Bryce, 14
mar

Frances M. Bryce

Virginia Campbell

NEP
52

Delia Bryce 44 1/8

NEP
52

Thomas Hiram Bryce 18

Ethel Estelle Bryce 16

Pushmataha Bryce 14

Joseph Edgar Bryce 12

William B. Bryce 10

Letha D. Bryce 8

Rollie M. Bryce 6

James Hiram Bryce
mar

dead

Nancy Emeline Bryce, w.

Francis Jane Bell 37 1/8
mar

John William Bell, w

Effie Ann Bell 15

Archie Bryce Bell 10

Lizzie Marshall 36 1/8
mar

George Marshall

Ellen Marshall 15

Nettie Marshall 12

Ma Marshall 10

Ira B. Bryce 46 1/4
mar

Mary Ann Bryce, w.

Zoro B. Bryce 19

For Identification as a Mississippi Choctaw.

APR 23 1902

Date

Name Ira B. Bryce

Age 46

Blood

1/4

Post-Office, Eufaula, F. T.

Father: James Bryce. d

Mother: Nellie .. d

Claims through mother.
wife - Mary Ann Bryce. l. w.
No claim for wife -

Children:

Zoro B. Bryce. - 19

Claims for self
and child -

Stenographer

A. B. Haine.

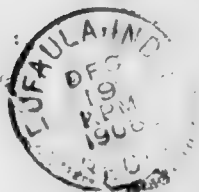


DEPARTMENT OF THE
Commissioner to the Five Civilized Tribes

FILED

JAN 26 1906

Commissioner.



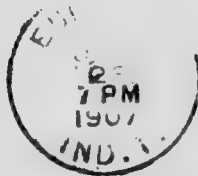
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Miss. Cheetaw Div.



Ira B. Bryce,

~~Barabula, Indian Territory.~~

Choctaw MCR 5318

Mattie J. Myers

See MCR 3800

MCR 5318

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 23, 1904.

5318

In the matter of the application of Mattie J. Myers for the identification of herself and her three minor children, Fred, David Roy and Iona Myers, as Mississippi Choctaws.

Applicant not represented by attorney.

Mattie J. Myers being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mattie J. Myers.
Q What is your age? A Forty six.
Q What is your post office address? A Beeville, Texas.
Q How long have you lived at Beeville? A About thirteen years.
Q Where were you born? A In Texas.
Q And have always lived in Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A P.A. Thurmond-- T-h-u-r-m-o-n-d.
Q And your mother's name was what? A M.E. Thurmond.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A --
Q What relation is Eugenia C. Dean to you? A Own aunt.
Q She claims one eighth; is she your mother's sister? A Yes sir.
Q You would be half, if that, wouldn't you? A Yes sir.
Q One sixteenth? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities at the United States authorities in the Indian Territory? A No sir; not to my knowledge.

Q Are you married? A Yes sir.
 Q What is your husband's name? A David Myers.
 Q He is living? A Yes sir.
 Q Is he a Choctaw Indian or a white man. A White man.
 Q You don't make any claim for him then? A No sir.
 Q Have you any children under twenty one years of age and unmarried you want to make application for? A Three.
 Q What is the name of the oldest? A Fred Myers.
 Q What is his age? A Fifteen.
 Q Next? A David Roy.
 Q How old? A Eleven.
 Q The next? A Iona.
 Q This is a girl? A Yes sir.
 Q How old? A Six.
 Q That's all? A Yes, that's all.
 Q Do you make application for yourself and these children? A Yes sir.
 Q Is David Myers the father of these children? A Yes sir.
 Q And are you and he living together as husband and wife and the children with you? A Yes sir.
 Q Were either you or your children married before you married with each other? A No sir.
 Q Is your name or the name of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A Never up to the present time.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A Never did.
 Q Have you ever up to the present time made application to either the Dawes Commission or the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir.
 Q You never have been admitted to citizenship with your children in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A Well, I can't swear that I positively do or don't; I think I do to some extent.
 Q You know that it was made for the purpose of removing the Choctaw Indians from the old Choctaw nation East of the Mississippi River to the Choctaw nation, Indian Territory? A Yes sir.

This treaty was made in 1830 on the 27th day of September, that year; before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw nation, Indian Territory, and therefore in order to protect their interests and preserve their rights this article fourteen was put into the treaty; after it was put into the treaty the treaty was signed and later on the 24th February, 1831, was ratified; it reads as follows: "Each Choctaw head of a

family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that article? A I think I do.

Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I have been told that Sarah Booth applied-I have been told that she complied but I don't know.

Q What relation was Sarah Booth to you? A Grandmother- great grandmother. Great grandmother, I think. Her daughter was my-- This letter from my aunt says Sarah Booth was my mother's grandmother

Q How much Choctaw blood did she have? A She was a half I think; her father, John Booth was an Indian.

Q How old would she be if living now, do you know? A No sir.

Q Sarah Booth was her maiden name was it? A Yes sir.

Q She married whom? A George Whitfield Walker.

Q He was a white man? A I don't know, I suppose so.

Q You don't claim any Choctaw blood from him, do you? A No sir.

Q Did Sarah Booth Walker live in the State of Mississippi in 1830? and have a family there then? A So I have been told.

Q That is a matter of family tradition is it and history? A Yes sir.

Q You only get it from family tradition? A Yes sir.

Q Then she was head of a family in Mississippi as far as you know in 1830? A Yes sir.

Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 in the old Choctaw Nation? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, who had an agency in Mississippi at that time and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article four-teen of the treaty of 1830? A I don't know.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Choctaw Indians did this whose names Col. Ward neglected for some reason to put upon his list known as Ward's Register; the result of his negligence caused a great many Indians who lived in the old Choctaw Nation and who had attempted to register before him under article fourteen to lose the land which they had held in the old Choctaw Nation together with the improvements they had upon it: this caused many complaints among the Choctaw Indians so that in 1837 by an act approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act approved August 23, that year, and this Commission also went to Mississippi and heard claimants under that article. Both of these Commissions made lists of the names of Indians who appeared before each one of them respectively.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of 1830? A I don't know I heard that Sarah Booth did.

Q You heard that in the family? A Yes sir.

Q But you have no proof of that with you now further than what you have heard? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they had formerly held in the old Choctaw Nation and which the Government had taken from them and sold? A I don't know.

A This scrip was issued under an act of Congress approved August 23, 1842, and it was sometimes called certificates; you never heard of any of your ancestors having any? A No.

Q Have you any relatives who have appeared for identification as Mississippi Choctaws before the Commission at Meridian, Mississippi? A I have.

Q They appeared last January and February? A February.

Q Can you give the names of them? A Mistress House.

Q What is the full name? A Nellie D. House. There's David W. Dean; Leonidas G. Dean and others; Bersheba J. Burford; Nellie D. House; Eugenia C. Dean---

Q That's all, is it? A Yes sir.

(The numbers of those claimants for identification as Mississippi Choctaws are as follows:

David W. Dean, M.C.R.	4534	Leonidas G. Dean et al.	4540
Bersheba J. Burford,	4617	Nellie D. House	4750
Eugenia C. Dean,	4999		

- Q These are all relatives of yours claiming through the same common ancestor Sarah Booth Walker, are they not? A They are.
- Q Do you want to have the testimony given by them in their applications and all records made by them consolidated with your own in order that you may get the benefit of their testimony? A Yes sir.
- Q Have you any evidence or any other proof that you want to present at this time before the Commission? A I don't know; I have the same proof that they have.
- Q Have you that evidence right now? A Well, I have evidence as to my identity as a member of that family.
- Q Have you any papers you want to introduce now? A I have my mother's marriage license; she was an Ellis you see. I want to come down from Mistress Walker through to my mother's people.
- Q You claim through your mother? A Yes; her maiden name was Martha E. Ellis.
- Q And she claimed her Choctaw blood through whom? A Claimed through her mother.
- Q What was her mother's name? A Barsheba Walker; she was a daughter of this Sarah Booth who married Walker.
- Q Did she live in Mississippi at any time-- your mother? A Yes, she was born there and married there.
- Q When was she born there? A I don't know; she's about 63 or 64.
- Q And was born in Mississippi? A Yes sir.
- Q And she claims through her mother; and her mother's name was what? A Maiden name was Sarah Booth, the daughter of John Booth; she married George Whitfield Walker.
- Q And Sarah Booth who married George Whitfield Walker is the ancestor through whom you claim? A Yes sir.
- Q Do you want to introduce this paper? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce proper evidence.

Certified copy of the marriage license and certificate of the marriage of P.A. Thurmond and Martha E. Ellis presented by the applicant, received, filed, marked Exhibit A" and made a part of the record in this case.

- Q The name in this marriage certificate is mis-spelled and should be -m-o-n-d? A Yes sir.
- Q That is your father? A Yes sir.
- Q And the Martha E. Ellis in this marriage certificate is the M.E. Thurmond who is your mother? A Yes sir.
- Q Is that all? A Well, now, I have no other evidence that I can bring forward; my mother lived in Mississippi till after her second child was born.
- Q Is there anything more you want to state in support of your claim? A Well, now, I don't know. I will have to ask a question. I want to know if this claim previous to my claim-- you see-- this the testimony I have given now is to my claim down to this generation down to myself; now I have testimony to prove, as this marriage record proved to identify me as a member of that family; now have I given evidence sufficient for that?
- Q Well, that would be requiring me to tell you if you have proved your case; and I can't tell you that; that question could only be

answered by a lawyer- that is by your lawyer. A Well, here's an old deed made by my father to my mother years ago and his record in the court house of Hallettsville, Texas. In it her name is given; speaks of her as his wife; that would prove that she was a daughter of J.G. Ellis of DeSoto County, Mississippi.

Q Well, that point has been testified to by all these claimants whose numbers have been referred to. A Well, my point is to prove that same point; well I have no other evidence that I know of now.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes, medium dark complexion, dark brown hair; She does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of May, 1902.

Charles K. Langer

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5316.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Mattie J. Myers,
Beeville, Texas.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hetta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED).

Thomas P. Bishop.

Acting Chairman.

COPY.

M.C.R. 3312.

Muskogee, Indian Territory, July 29, 1903.

Mattie J. Myers,

Beaville, Texas.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 5318

For Identification as a Mississippi Choctaw.

Date APR 23 1902

Name *Matthie J. Myers*

Age *46* Blood *1/16*

Post-Office, *Beeville, Texas,*

Father: *P. A. Thurmond, d.*

Mother: *M. E. " L.*

Claims through *mother*
~~Husband~~

David Myers, l. w.

No claim for husband.

Children:

Fred Myers, 15

David Roy " 11

Lona " (F.) 6

*Claims for self &
children*

Stenographer *H. S. Harris.*

Choctaw MCR 5319

Lelia E. Myers

See MCR 3800

MCR 5319

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, I.T. April 23, 1903.

5319

In the matter of the application of Lelia E. Myers for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Lelia E. Myers being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lelia E. Myers.
Q What is your age? A Twenty four.
Q What is your post office address? A Beeville, Texas.
Q How long have you lived in Beeville? A About four teen years I reckon.
Q Where did you live before you lived there? A Flourville, Texas.
Q You were born in Texas and have always lived there? A Yes sir.
Q Is your father living? A He is here.
Q Is your mother living? A Yes sir.
Q Is she the lady who has just made application to be identified as a Mississippi Choctaw previous to your application? A Yes sir.
Q What is your father's name? A David Myers.
Q What is your mother's name? A Mattie J. Myers.
Q Do you claim through your mother or father? A Mother.
Q How much Choctaw blood do you claim? A I don't know-- (her mother says she is a thirty second, because she is one sixteenth herself.)
Q Your mother claims one sixteenth; you would be one half of that?
A Yes, that's right.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone, do you? A All by myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir.

Q You now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article? A I reckon I do.

Q Do you care to have it explained again? A No sir.

The article without the explanation reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I do not know.

Q What was the name of your ancestor through whom you claim the right to be identified now as a Mississippi Choctaw? A (Prompted by her mother to say it is Sarah Booth.)

Q Was that her maiden name? A Yes sir.

Q What was her married name? A Walker.

Q Can you give the name of her husband? A No sir.

Q Was he a white man? A Yes sir. (Her mother says George W. Walker.) Well, it is Walker, I can't give his initials.

Q Now, did Sarah Booth live in the State of Mississippi in 1830?

A I reckon; I don't know.

Q Was she the head of a family there then; was she married and had a family there then? A I don't know.

Q Well, you heard your mother testify to that a while ago? A I don't know as I was paying any attention to what she testified to.

- Q Did she speak the Choctaw language? A I don't know.
Q Did she have a Choctaw Indian name? A Did you ever hear that she did? A No sir.
Q How old would she be if living now? A I don't know.
Q Your mother is how old now? A About forty six years old.
Q Where has she lived all her life? A In Texas.
Q Your mother claims through whom? A Her mother.
Q And her mother's name was what? A Miss M.E. Thurmond.
Q She claimed through whom, father or mother? A Her mother.
Q And her name was what? A Ellis.
Q Do you remember the full name? A No sir.
Q Now this grandmother claimed through whom? A Her mother.
Q And her name was what? A Barsheba Walker.
Q And she claimed through this common ancestor, Sarah Booth Walker?
A Yes sir.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I do not know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation, those who refused to go to the Choctaw Nation, Indian Territory, with the other Indians under that treaty were required by the Government if they wanted to take advantage of article fourteen of that treaty of 1830 to go to the United States Indian agent at his office in Mississippi within six months after the ratification of the treaty and tell him that they wanted to take advantage of it stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register, and his failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both land and improvements; both were taken from them by the Government and sold at its Public Land Sale. This caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also further appeared that he had had land in the old Choctaw nation which the Government had taken from him

and said that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given- scrip as it was called- to that effect.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have you any relatives who have appeared before the Commission either in Mississippi or Indian Territory to be identified as Mississippi Choctaws? A I have heard so. In Meridian and one here; my mother.

The records in the possession of the Commission show that the following names persons appeared before the Commission at Meridian, Mississippi, and made application for identification as Mississippi Choctaws: David W. Dean, M.C.R. 4538; Leonidas G. Dean et al., 4540; Bersheba J. Burford, 4617; Nellie D. House, 4750; Eugenia G. Dean, 4999.

Q These are all relatives of yours? A Yes sir.

Q All claim through Sarah Booth Walker? A Yes sir.

Q Would you like to have their testimony and the testimony of all Mississippi Choctaw claimants before the Commission through Sarah Booth Walker as a common ancestor considered with yours? A Yes sir.

Q Have you any documentary or any other proper proof you want to present now to the Commission? A No sir.

Q Do you speak Choctaw? A No sir.

Reasonable time will be allowed this applicant in which to furnish other evidence in support of her application.

This applicant has the appearance and physical appearance and characteristics of being descended from white parentage; she has brown eyes, hair brown, rather dark complexion; she does not speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn testified as follows on his oath state s that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on April 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5319.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Lelia N. Myers,
Beaville, Texas.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office; and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED

Jane Bixby.

Acting Chairman.

M.C.R. 5512.

Muskogee, Indian Territory, July 29, 1903.

Lelia E. Myers,

Beaville, Texas.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsy, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 5519

For Identification as a Mississippi Choctaw.

Date

APR 23 1902

Name Lelia E. Myers.

Age 24 — Blood 1/32

Post-Office, Beville, Texas,

Father: David Myers, l.

Mother: Mattie J. Myers, l.

Claims through mother

Children:

Claims for self
alone —

Choctaw MCR 5320

Texana Tibbs

See MCR 3800

MCR 5320

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, I.T. April 23, 1902.

3320

In the matter of the application of Texanna Tibbs for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Texanna Tibbs being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Texanna Tibbs; they call me Texas.
Q What is your age? A Twenty two.
Q What is your post office address? A Dallas Texas. (Care of Waples Platter Grocery CO.)
Q How long have you lived in Texas? A All my life.
Q Where were you born? A In Texas.
Q What place in Texas? A Near Beeville; in Bee County.
Q And you have lived there most of your life? A I expect the biggest part of my life in Beeville.
Q Your father is living, is he? A Yes sir.
Q And also your mother? A She is here.
Q What is your father's name? A David Myers.
Q What is your mother's name? A Mattie F. Myers.
Q You claim through which parent? A My mother.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No that I know of, I guess not.
Q You are married, are you? A Yes sir.
Q What is your husband's name? A J.L. Tibbs.
Q Living and white, is he? A Yes sir.
Q In other words he is not an Indian? A No sir.
Q No claim for him? A No sir.
Q You claim for yourself alone, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application of any kind that you have ever made to the Dawes Commission or the Choctaw tribal authorities for citizenship in the Choctaw nation? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Understand that article of that treaty? A I don't know- I have heard it enough; I guess I understand it; instead of having the treaty repeated, don't you explain it instead of repeating it?

Q I can explain it briefly to you. The treaty was made at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September 1830 between the United States Government and the Choctaw Indians for the purpose of removing all the Choctaw Indians from that old Choctaw Nation, East of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory and in order to protect those Choctaws who stayed back there in the old Choctaw Nation and preserve their interests, article fourteen was put into the treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Sarah Booth.

Q Whom did she marry? A Walker.

Q What was his first name? A Let me see; is this it?-- (taking a paper)-- George Whitfield Walker.

Q Did she comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know.

Q How much Choctaw blood did she have? A She has a half I believe.

Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did she live in Mississippi in 1830 and have a family there then?

A I guess she had a family; I don't know where she lived; I heard she registered.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian

Agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I do not know.

Q Did any of your Choctaw ancestors go from that old Choctaw nation to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under the provisions of article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama in after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months from the date of the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; they were taken from them by the Government and sold at Public Land Sale; this caused a great many Indians to complain and as a result of the complaints Congress appointed March 3, 1837 a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty and if it further appeared that he had had land in Mississippi which the Government had taken from him and sold that he should be ~~taken~~ allowed to select land in Mississippi, Alabama, Arkansas or Louisiana, and that certificates or scrip should be given to him to that effect.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have certain relatives of yours been before the Commission in Meridian, Mississippi, and claimed the right to be identified as Mississippi Choctaws? A Yes sir.

Q Will you give the names please? A David W. Dean, Leonidas G. Dean, Bersheba J. Burford, Nellie D. House and Eugenia C. Dean.

Q These are relatives of yours and claim through the same ancestor, don't they? A Yes sir.

Q Would you like to have their cases consolidated with yours and all others who claim through the same ancestor? A Yes sir.

Q Have you any evidence you want to present now in support of your claim? A Not that I know of.

Q Would you like to have time to introduce other evidence? A Yes, I guess so.

Reasonable time will be allowed this applicant in which to furnish other proof in support of this application.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion, gray eyes, dark hair almost black. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of May, 1902.

Charles K. Sawyer

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5380.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Texana Tibbs,
230 Canton Street,
Dallas, Texas.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jephtha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jephtha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED.

Tams Bixby.

Acting Chairman.

COPY.

W.C.R. 5320.

Waskagee, Indian Territory, July 29, 1903

Thomas Tibbs,

222 Barton Street,

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

I. B. Needles
Commissioner in Charge.

No.

5320

For Identification as a Mississippi Choctaw.

Date

APR 23 1902

Name

Texana Tibbs.

Age

22

Blood

1/32

Post-Office,

Vallas, Texas.
230 Canton St.

Father:

David Myers, l

Mother:

Mattie J. Myers l.

Claims through

mother —

Husband

J. L. Tibbs, l. w.

No claim for husband.

Children:

Claims for self
alone

Signature H. A. Hain

Choctaw MCR 5321

Mary M. Bird

See MCR 2857

MCR 5321

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, I.T., April 28, 1902.

Testimony of William David Williamson

in

Mary M. Bird et al.,	M.C.R. 5321
Cora Langsten et al.,	M.C.R. 5322
Annie C. Lawhon et al.,	M.C.R. 5323
Laura E. Bird et al.,	M.C.R. 5324

William David Williamson being sworn as a witness testified as follows:

Examination by the Commission:

(A Telle, att'y for applicants.)

Q What is your name? A William David Williamson
Q What is your age? A I am going on forty one.
Q What is your post office address? A Tyler Texas.
Q Are you an applicant to be identified as a Mississippi Choctaw?
A No sir.
Q You never appeared before the Commission to be identified as a Mississippi Choctaw? A Yes, I have already appeared before the Court
Q for identification as a Mississippi Choctaw? A Yes sir.
Q Well, then you mean "yes"? A I thought you asked if I was an applicant now.
Q When did you appear before the Commission? A Last July at Atoka, Indian Territory.
Q You never heard anything from that case since your application was made? A Yes, I have been hearing all the time.
Q Well, have you ever been accepted or rejected? A I don't know, I haven't heard the final result.
Q Are you acquainted with Mary M. Bird? A Yes sir.
Q Cora Langsten? A Yes sir.
Q What relation is Mary M. Bird to you? A Cousin of mine.
Q Cora Langsten? A Daughter of mine.
Q Annie C. Lawhon? A Yes sir; cousin of mine.
Q And Laura E. Bird? A Yes sir; cousin.
Q What are you able to state now in reference to their applications for identification as Mississippi Choctaws? A Well, they are from the same ancestry that I put my application in from.
Q Well, the records in your case which will be consolidated with their applications will show that without your testimony. A Yes sir.

Q Is there anything else you wanted to testify to? A I believe not--there's grown daughters. They are daughters of Elizabeth Wells and her mother; Elizabeth Wells and she were a daughter of Elizabeth Blakley and Elizabeth Blakley was a daughter of John Smith and so it brings up from this girls' grandmother was my mother's sister.

Q In that way you develope your relationship to them? A Yes sir.

Q And you claim through whom? A Elizabeth Smith who married John Blakley.

Q What relation was she to you? A She was my grandmother.

Q Did she live in Mississippi in 1830? A I suppose so.

Q Do you know positively? A Only what I have been told by those that did know; that's all; I was always a Texan myself.

Q What relatives told you? A My mother.

Q Is she living now? A Yes sir.

Q How old is she? A Eighty-three years old.

Q Where was she born? A Mississippi, Newton County.

Q Where is she living now? A In Limestone, Texas.

Q Has she ever been before the Commission to be identified as a Mississippi Choctaw? A Yes sir; she came to testify for the children.

Q Then she has given her testimony before the Commission? A Yes sir.

Q In what case? A In Tempie McAlester and all the relatives that have applied.

Q Then your mother knows a good deal more about it than you do? A I don't know an ything as personal knowledge; only just what she told me.

Q Well, her testimony will be taken in connection with all the applicants who claim through the same comen ancestor. A Well, last July there was an old Indian eighty seven years old was up here and testified.

Q Well, that testimony all comes in. A Yes sir.

Q Is there anything more you want to say? A That's all.

Q You yourself don't know of any compliance on the part of the ancestors of these claimants today with arti cle fourteen of the treaty of 1830? A No sir; only just what I have heard.

Q You in your own case and they in their applications where you all claim through the same ancestor Elizabeth Blakley expect to be supported by testimony given in case where there is more complete knowledge than in your application or theirs? A Yes sir.

(Witness excu sed.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on April 23, 1902, and that this is a full, true and correct transcript of his stenographic notes therein.

Henry G. Hains

Subscribed and sworn to before me this 10th day of May, 1902.

Charles E. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 23, 1902.

5221

In the matter of the application of Mary M. Bird for the identification of herself and her four minor children, Mollie H., Gracie H., Alfred M. and Carl W. Bird, as Mississippi Choctaws.

(A. Telle of the firm of Telle & Chambers, attorney for applicant; no appearance by attorney.)

Mary M. Bird being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary M. Bird.
Q What is your age? A I am twenty nine.
Q What is your post office address? A Palmer, Texas.
Q How long have you lived in Texas? A All my life.
Q And where principally in Texas? A Kaufman County.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A A.F. Perry.
Q Your mother's name was what? A Elizabeth Perry.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q - in the Indian Territory? A No sir.
Q Is your husband living and a white man? A Yes sir.
Q What is his name? A J.R. Bird.
Q You make no claim for him, do you? A No sir.
Q Give me the name of your oldest child unmarried and under age?
A Mollie H. Bird, eight.
Q The next? A Gracie H.
Q How old is Gracie? A Five years old.
Q The next? A Alfred M.
Q How old? A Three years old.

Q The next? A Carl W. Bird.
Q How old? A A year old.
Q That's all is it? A Yes sir.
Q Do you make application for yourself and these four children? A Yes, I do.
Q Is J.R. Bird the father of these children? A Yes sir.
Q Were you or he ever married before? A No sir.
Q And all these children live with you at your home? A Yes sir.
Q Is your name or the name of these children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir, I have never been enrolled.
Q Have you ever made application for yourself and children for citizenship in the Choctaw nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Is this the first application you have ever made for citizenship for yourself and children to either the Choctaw tribal authorities or the authorities of the United States? A Yes sir.
Q Have you ever been admitted to citizenship then in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q And you never have made application to the Dawes Commission for yourself and children? A No sir.
Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A That its a provisions made-- that the Indians should remain in Mississippi.

Q It is that the Indians who remained in Mississippi should do certain things and have certain rights if they remained; do you know what these things were; if you don't I can explain it to you.
A Well, do it.

The object of the treaty made between the United States Government and the Choctaw Indians who lived in the old Choctaw nation in 1830 was to remove all the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory; but a good many Indians wouldn't go- they preferred to stay back there in the old Choctaw nation although their rights were taken from them by the people the whites- they were really unprotected in the States; they could not be protected under the laws of the States of Mississippi and Alabama; so that the Government suggested that they sign this treaty of 1830 or of Dancing rabbit Creek as it is sometimes called because it was made at that place in Mississippi and agree to go to the Choctaw Nation West of the Mississippi River. Well, after a while it was signed and a good many Indians went, but a good many Indians also stayed back there and their rights were protected by having article fourteen put in. That article was passed for the special benefit of what are called Mississippi Choctaw Indians and reads as follows: "Each Choctaw head of a family

being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, do you know whether any of your ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Its my great grandmother; her maiden name was Smith - Elizabeth Smith and she married John Blakeley.

Q How do you spell that last name? A B-l-a-k-l-e-y.

Q It seems to me it was spelled Blak-ney. A No sir, Blakley.

Q Was he a white man? A Yes sir.

Q And she was part Choctaw? A Yes sir.

Q How much Choctaw blood did she have? A One half.

Q Did she live in Mississippi in 1830? or in Alabama? A I believe in Mississippi.

Q Lived there in 1830? A Yes sir.

Q Did she have a family of children there at that time- in other words was she head of a family there then? A Yes sir.

Q How old would she be if living now? A I don't remember.

Q How old would your mother be if living now? A Of course, if you don't know, you can say so. A I will have to count a minute.

Q When was she born? A I don't know.

Q When did she die? A 1883.

Q How old was she when she died? A Thirty five.

Q She would be fifty four years old if living now? A Yes sir.

Q Where did she live during her life? A In Louisiana as far as I know; in Louisiana and Texas.

Q She died in Texas, did she? A Yes sir.

Q Did she get her Choctaw blood from her father or mother? A Mother

Q What was her name? A Her maiden name was Mathers Blakley; she married T.B.Wells.

Q A white man? A Yes sir.

Q But, now, Mather Blakley's father was John Blakley, was he?

A Yes sir.

Q And mother was Elizabeth? A Yes sir.

- Q Now, did Wathers Blakley live in Mississippi? A Yes sir.
- Q How old would she be if living now? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know.
- Q Did any of your Mississippi Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw nation under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to remain in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Col. Ward failed to put down upon his list known as Ward's Register; his neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3, that year, a Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of that treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under act approved August 26, that year; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly occupied in the old Choctaw Nation and which the Government had taken and sold? A I don't know.
- Q What was the name of your ancestor-- Elizabeth Smith who married John Blakeley? A Yes sir.
- Q Have you relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming through the same ancestor? A Yes sir.
- Q Was Tempie McAlester one of them? A Yes sir.
- Q About how long ago was it she was here? A Not quite a year ago.
- Q She appeared at Atoka, didn't she? A Yes sir.

Q And there are others whose names you don't remember now? A Yes sir.

Q Do you want to have her evidence and the evidence of other relatives who have appeared for identification as Mississippi Choctaws claiming through the same ancestor considered with your testimony?

A Yes sir.

The name of Tempie McAlester et al., M.C.R. 2857, is here referred to as the principal case in the consolidation of these cases who claim through the same common ancestor.

Q Have you any other evidence that you want to introduce at this time? A Yes sir.

Q What evidence have you now? A My cousin, Billy Williamson.

Q Do you want to have him testify? A Yes sir.

Q Do you speak the Choctaw language yourself? A No sir.

Q We will have his testimony taken and apply to all.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, blue eyes, brown hair. Does not speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 10th day of May, 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5321.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mary M. Bird,

~~Palmer, Texas~~
You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
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Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
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James Overstreet, et al.,	M C R	499
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William H. Overstreet,	M C R	503
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John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mollie Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleury C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 5321.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Mary M. Bird,

Palmer, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

I. E. Meebles.

Commissioner in Charge.

MOR 5321

Muskogee, Indian Territory, December 6, 1906.

Mary M. Bird,

Palmer, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

No. 5321.

For Identification as a Mississippi Choctaw.

Date APR 23 1902

Name Mary M. Bird

Age 29 Blood 1/16

Post-Office, Palmer, Texas

Father: A. F. Perry l.

Mother: Elizabeth d.

Claims through mother.

Husband J. R. G. Bird l. w.

No claim for husband

Children: -

Mollie H. Bird, 8

Gracie H. " 5

Alfred M. " 3

Core W. " 1

Claims for self & children

Stenographer H. L. Haine, -

Mississippi Choctaw #5321

Testimony of William David
Williamson, taken at Muskogee,
Indian Territory, April 23, 190

Stenographer: H.G. Hains.

Choctaw MCR 5322

Cora Langston

See MCR 2857

MCR 5322

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 23, 1902.

5822

In the matter of the application of Cora Langston for the identification of herself and her minor child, Elmer W. Langston, as Mississippi Choctaws.

A. Telle, att'y for applicant; no appearance by attorney.

Cora Langston being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Cora Langston.
Q What is your age? A Eighteen.
Q What is your post office address? A Blooming Grove, Texas, in Navarro County.
Q How long have you lived in this place? A Little over two years. It will be three years in November.
Q Where were you born? In Texas? A Yes sir.
Q And always lived there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A W.D. Williamson.
Q What is your mother's name? A Mollie Williamson.
Q Through which parent do you claim Choctaw blood? A Great grandmother.
Q Through which parent? A My father.
Q How much Choctaw blood do you claim? A A sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Yes sir.
Q He hasn't been put on the rolls, has he, as a Choctaw Indian? A Yes sir.
Q You don't mean-- A No sir, I meant he made application to the Dawes Commission.

- Q No be identified as a Mississippi Choctaw? A Yes sir.
- Q Was the proof of his marriage been presented in his case? A Yes sir.
- Q You want to have e that referred to in yours, do you not? A Yes sir.
- Q You have a husband living have, you? A Yes sir.
- Q And he is a white man, not a Choctaw? A He is white.
- Q What is his name? A Charlie Langston.
- Q Do you make any claim for him? A No sir.
- Q How many children have you? A One.
- Q What is the name? A Elmer W. Langston; a boy.
- Q And he is how old? A He is six months old.
- Q You claim for yourself and son? A Yes sir.
- Q Charlie Langston is the father of this child? A Yes sir.
- Q And are you and he living together as husband and wife and the child living with you at your home? A Yes sir.
- Q Were either of you married before? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any any kind that you have ever made to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw nation? A Yes sir.
- Q Have you ever been before the Dawes Commission or the Choctaw Nation before? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and child as Mississippi Choctas claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q You don't care to have that explained then any further? A No sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the

ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with that article fourteen of the treaty of 1830?
- A Yes sir.
- Q Who complied with that article of that treaty? A --
- Q Who did those things that were stated that should be done in article fourteen? A I didn't understand that question.
- Q Well, you don't know whether anybody did do these things or not, do you, as contained in article fourteen? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Smith.
- Q She married whom? A John Blakey-- I don't know-- its Blakey-B-l-a-k-e-y-- that's it.
- Q Was he a white man? A Yes sir.
- Q She was how much Indian? A Half.
- Q What kind of an Indian? A Choctaw.
- Q Did she live in Mississippi in 1830? A Yes sir.
- Q Did she have a family of children there then? A Yes sir.
- Q She was head of a family was she? A Yes sir.
- Q How old would she be if living now? A No sir, I don't know.
- Q You claim through your father? A Yes sir.
- Q How old is he? A Forty years old.
- Q He has made application before the Commission himself to be identified as a Mississippi Choctaw? A Yes sir.
- Q He has lived all his life where? A In Freestone County and East Texas.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, such as fences, houses or have the land in cultivation or own any buildings? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.
- Q Did you ever hear that? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

The Choctaw Indians who lived in Mississippi and Alabama and stayed there after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Col. Ward, within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi.

Mississippi, take land there and become citizens of the States; a good many Indians did this whose names Col. Ward, the United States Indian Agent failed to put upon his list, known as Ward's register, and his failure to do this caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their land and their improvements- both were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Indians that in 1837 by an act approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year and this Commission went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of that treaty?

A I don't know.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government which entitled them to hold land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which the Government had taken from them in the old Choctaw Nation and sold? A I don't know.

Q This scrip was issued under an act approved August 23, 1842.

Who is Temple McAlester? A Cousin of mine.

Q She has made application to be identified as a Mississippi Choctaw? A Yes sir.

Q And claims through Elizabeth Smith who married John Blakley? A Yes sir.

Q Do you want to have her case and that of all relatives who have been before the Commission to be identified as Mississippi Choctaws and claiming through the same common ancestor consolidated with your case? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any evidence that you want to introduce now in support of your claim? A Yes sir.

Q What evidence have you now? A My father.

Q You would like to have him testify would you? A Yes sir.

Q You don't care for any time then beyond his testimony? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark complexion, brown hair; does not understand the Choctaw language and has no knowledge of the compliance by any ancestor with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Faine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 23, 1902,

and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry B. Hains

Subscribed and sworn to before me this 10th day of May, 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLIBON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2322.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cora Langston,

Clonning Grove, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Clandia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
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Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
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Ida Calame, et al.,	M C R	1487
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Frances O. Vollentine, et al.,	M C R	5063
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John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcadia DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlisle Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnies Bysmark Ross, David Harnett Ross, William Malcolm Ross, Sennie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mollie Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Eroni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

Registered.

Acting Chairman.

H.C.B. 5225

COPY.

Muskogee, Indian Territory, July 13, 1903

Cora Langston,

Blooming Grove, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

I. B. Needles.

Commissioner in Charge.

MCR 5322

Muskogee, Indian Territory, December 6, 1906.

Cora Langston,

Blomming Grove, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date

APR 23 1902

Name *Bora Langston*Age *18* - Blood *1/16*Post-Office, *Blooming Grove, Tex.*Father, *W. W. Williamson, l.*Mother: *Mollie .. l.*Claims through *father* -
~~husband~~*Charlie Langston, l. w.**No claim for husband*

Children

*Elmer N. Langston M. 6m**Claims for self
and son*Stenographer *H. S. Hoar* -

Mississippi Choctaw #5322

Testimony of William David
Williamson, taken at Muskogee,
Indian Territory, April 23,
1902.

Stenographer

H.G. Hains.

Choctaw MCR 5323

Annie C. Lawhon

See MCR 2857

MCR 5323

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 23, 1902.

5323

In the matter of the application of Annie C. Lawhon for the identification of herself and her two minor children, Ferrel Young and Frank George Lawhon, as Mississippi Choctaws.

A. Telle att'y for applicant; no appearance by attorney.

Annie C. Lawhon, being sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Annie C. Lawhon.
Q What is your age? A Thirty three.
Q What is your post office address? A Forest Texas.
Q How long have you lived there? A Two years.
Q Where were you born? A Louisiana.
Q And lived there how long? A Come here when I was just a year old to Texas-- when I was just a month old.
Q And have lived there since? A Yes sir.
Q What is your father's name? A A. F. Perry.
Q Is he living? A Yes sir.
Q What is your mother's name? A Elizabeth Perry.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A Great grandmother.
Q Through which parent? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Have you a husband living? A Yes sir.
Q Is he a Choctaw Indian or white man? A White man.

- Q What is his name? A Mather James Lawhon.
Q You don't claim for him, do you? A No sir.
Q Have you any children you want to make application for? A Yes sir.
Q What are their names? A Ferrel Young Lawhon.
Q How old? A Five years.
Q The next child? A Frank George.
Q How old? A Two years.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Not that I know of.
Q Is Mather James Lawhon the father of these children? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were either of you married before? A My husband was.
Q He has no children by that former marriage that you want to make application for? A No sir, he has none.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application to any authority whatever, either the United States authorities or the Choctaw tribal authorities, for enrollment as citizens of the Choctaw Nation before this time? A No sir.
Q Or for citizenship? A No sir.
Q Do you now come before the Commission to be identified, yourself and your two minor children, as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I think I do.
Q You don't care to have it explained any farther? A No sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with

any of the provisions of that article? do you know? A I don't.
 Q You understand that, don't you, well enough to claim under it?
 A Yes sir.
 Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A My great grandmother; Elizabeth Smith, she married John Blakley.
 Q B-l-a-k-l-e-y? A Yes sir.
 Q White man? A Yes sir.
 Q She was an Indian? A Yes sir.
 Q How much Choctaw blood did she have? A One half.
 Q Did she live in Mississippi in 1830? And have a family there then?
 A Yes sir.
 Q She was head of a family in Mississippi at that time then? A Yes sir.
 Q You claim through your mother? A Yes sir.
 Q Did she always live in Texas? A She lived part of her life in Louisiana.
 Q Where was she born? A In Louisiana.
 Q And removed from there to Texas? A Yes sir.
 And died there? A Yes sir.
 Q How old was she when she died? A Thirty five.
 Q Did any of your Choctaw ancestors own any improvements or land in Mississippi or Alabama in 1830? A I don't know.
 Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Yes, I think they did.
 Q How do you know any of them did? A Why, by being taught by relatives.
 Q It is a matter of family hear-say? Who did you hear say-- did you hear that Elizabeth Smith went to Col. Ward? A I was taught that they did.
 Q That she did? A I really don't know.
 Q Did any of your Choctaw ancestors go from the old Choctaw nation in Mississippi and Alabama to the Choctaw nation, Indian Territory, with the other Indians between 1830 to 1836 or 1840? A I don't know.
 Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?
 A I suppose they did.
 Q Well, you don't know that, do you? A I don't know.
 Q Never heard that, did you? A No sir, just the circumstances.
 Q You never did know whether any of your ancestors went to Col. Ward within six months after the ratification of this treaty-- six months from February 24, 1831, and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States?
 A No sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, at his agency in Mississippi, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many

Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's register; his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both they were taken from them by the Government and sold at Public Land Sale; this caused so many complaints that in 1837 by an act approved March 3, that year, a Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed for the same purpose under an act approved August 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under article fourteen of the treaty of 1830? A Yes sir.

Q Well, who went before either of these Commissions and before which did they go? A I forget his name; they went before Chambers.

Q Was he one of the commissioners? A I don't know; I have forgotten the names.

Q Where did you get that information? About Chambers; that any ancestor went before Chambers? A I guess I didn't understand the question.

Q The question was if any of your Choctaw ancestors went before either of the Commissions-- the one appointed in 1837 or the one appointed in 1842; these commissions were composed of two or three men and they heard all who claimed any rights under article fourteen of the treaty of 1830? A No sir, they didn't.

Q Did any of your Choctaw ancestors receive any scrip from the Government or certificates which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they had occupied in Mississippi and which the Government had taken from them and sold-- do you know? A No sir.

Q This scrip was issued under an act of Congress approved August 23, 1842. What relation is Tempie McAlester to you? A Cousin.

Q Do you want to have her case referred to and your case consolidated with hers and all others claiming through the same ancestor? A Yes sir.

The case of Tempie McAlester is here referred to for the purpose of consolidation-- U.S.R. 2657

Q Do you understand or speak the Choctaw language? A No sir.

Q Have you any evidence you want to introduce now? A Yes; the testimony of Mr. William Williamson.

Q He has been before the Commission, hasn't he? A Yes sir.

Q You want to call him as a witness? A Yes sir.

Q You don't care for any time for other testimony, then? A No sir.

Q Is there anything more you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, fair complexion

dark brown hair; she has no knowledge of the Choctaw language and no knowledge of the compliance by her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Five Civilized Tribes Commission he reported in full the proceedings had in the above entitled cause on April 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 10th day of May, 1902.

Charles H. Sawyer.
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5323.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Annie C. Lawhon,

Forest, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blackledge,	M C R	1489
Aleck Blackledge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlisle Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mannie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 5323.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Annie C. Lawhon,
Forest, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

T. B. Needles
Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 5323

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1906.

Annie C. Lawhon,
Forest, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

W. O. Beall

Acting Commissioner.

No. 5323.

For Identification as a Mississippi Choctaw.

Date APR 23 1902

Name Annie C. Lawhon

Age 33 — Blood 1/16

Post-Office, Forest, Texas,

Father: A. F. Perry l.

Mother: Elizabeth .. d

Claims through mother
husband
Mather J. Lawhon, w.
No claim for husband

Children:

Ferrel Young Lawhon. 5

Frank George .. 2

Claims for self
and children

Stenographer H. H. H. —

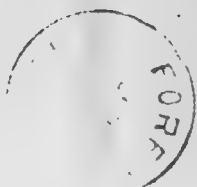
Mississippi Choctaw #5323.

Testimony of William David
Williamson, taken at Muskogee,
Indian Territory, April 23,
1902.

Stenographer

H.G. Hains.

5-3 2-3

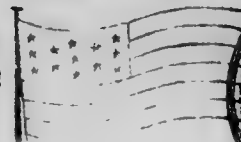
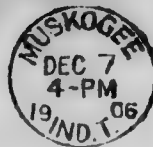
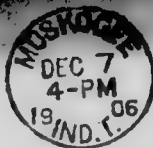


Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Miss. Choctaw Div.



Annie C. Lawhon,

~~For~~ Texas.

Choctaw MCR 5324

Laura E. Bird

See MCR 2857

MCR 5324

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 23, 1902.

5324

In the matter of the application of Laura E. Bird for the identification of herself and her three minor children, Cleary C., Roy Floyed and William Ray Bird, as Mississippi Choctaws.

A. Telle att'y for applicant; no appearance by attorney.

Laura E. Bird being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Laura E. Bird.
Q What is your age? A Twenty seven.
Q What is your post office address? A Palmer Texas, Ellis County.
Q How long have you lived there? A Ten years.
Q Where were you born? A In Texas. I don't remember the County.
Q You have always lived in that State? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A A.F. Perry.
Q What was your mother's name? A Elizabeth Petty.
Q You claim through which parent, father or mother? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q A white man? A Yes sir.
Q He is not Indian? A No sir.
Q What is his full name? A Thomas Floyed Bird.
Q You make no claim for him? A No sir.

- Q Have you any children you want to make application for? A I have three.
- Q What is the name of the oldest? A Cleary C. Bird.
- Q A boy? A Yes sir.
- Q How old is he? A Eight years old.
- Q The next? A Roy Floyed Bird.
- Q How old is he? A Two years old.
- Q The next? A William Ray.
- Q How old? A Seven months.
- Q The next? A That's all; just three.
- Q Is Thomas Floyed Bird the father of these children? A Yes sir.
- Q And you and your husband are living together and the children are living with you at your home? A Yes sir.
- Q Were either of you married before you married each other?
- A No sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application before this time for citizenship for yourself and children in the Choctaw Nation prior to any authority whatever? A No sir.
- Q You never have been admitted with your children to citizenship in the Choctaw Nation by any authority? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand what that means, that article? A --
- Q If you don't I will explain it. A I understand what it means but I can't explain it.
- Q Do you want to have it explained further? A You can if you wish.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year; the object of this treaty was the removal of all the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who stayed back there article fourteen was drafted and put into the treaty. The treaty was then signed and later on was ratified. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to one section of six hundred and forty acres of land to be bounded

by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? And did any of your ancestors in 1830 or any of those years following there before these matters were all concluded? A No sir, I don't know.
- Q What was the name of your ancestor or ancestress through whom you claim your right to be identified as a Mississippi Choctaw? A Great grandmother Blakley.
- Q That was her name was it? A Elizabeth Smith was her maiden name, but as my grandfather-
- Q He was a white man? A Yes sir.
- Q How much Choctaw blood did Elizabeth Blakley have? A She was a half.
- Q How do you know she was? A I have been taught it.
- Q In the family? A Yes sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Do you know whether she was the head of a family in Mississippi at that time or not? A No sir, I don't know.
- Q How old would she be if living now? A I don't know.
- Q You claim through your mother? A Yes sir.
- Q Where did she die? A In Texas.
- Q Do you know how old she was when she died? A Thirty five.
- Q Did she live all her life in Texas? A I think she lived part in Louisiana the rest in Texas.
- Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Commission-- to the Choctaw Nation, Indian Territory West of the Mississippi River, with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who lived in the old Choctaw Nation and who stayed there after the treaty of 1830 was ratified refusing to go

to the Choctaw Nation Indian Territory under the treaty of 1830 were obliges if they wanted to take advantage of article fourteen of that treaty to go to the Indian agent within six months from the ratification of this treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Col. Ward failed to put on his list known as Ward's Register; his failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both lands and improvements for they were sold by the Government which had taken them for them at Public Land Sale: this caused so many complaints that in 1837 by an act of Congress approved March 3, that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose, under an act approved August 23, 1842, and this Commission also went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under that article of that treaty? Do you know? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly owned in Mississippi in the old Choctaw Nation and which the Government had taken from them and sold? A No sir.

Q Who is Tempie McAlester? A She is my cousin.

Q She made application to be identified as a Mississippi Choctaw, didn't she? A Yes sir.

Q Do you want to have her case consolidated with yours and with all other cases of your relatives who have made application to be identified as Mississippi Choctaws and who claimed through the same common ancestor? A Yes sir.

The case of Tempie McAlester, M.C.R. 2857, is here referred to for the purpose of consolidation.

Q Have you any proof or evidence that you want to present further? A Yes sir.

Q What evidence do you wish to present? A Billy Williamson.

Q You don't care for any extension of time? A B-- no sir; right now.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion, brown hair; she does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestor with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 23, 1962, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry B. Hains

Subscribed and sworn to before me this 10th day of May, 1962.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TANS SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

P.C.R. 5324.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Laura E. Bird,

Palmer, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Ellene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estell Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission, that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 3324.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Laura E. Bird,

Palmer, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(NSD)

T. B. Needles,
Commissioner in Charge.

MCR 5324

Muskogee, Indian Territory, December 6, 1906.

Laura E. Bird,
Palmer, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date APR 23 1902

Name Laura E. Bird

Age 27 Blood 1/16

Post-Office, Palmer, Texas

Father: A. F. Perry l

Mother: Elizabeth " d

Claims through mother -
Husband F. E. Bird, l.w.
Thomas, E. Bird, l.w.No claim for
husband

Children (CLEARLY)

~~Henry~~ E. Bird, 8Roy ~~Clair~~ ^{Floyd} " 2

William Ray " 7m

Claims for self
and children

Stenographer H. M. Hain

Mississippi Choctaw 5324.

Testimony of William David
Williamson taken at Muskogee,
Indian Territory, April 23, 1902.

Stenographer

H.G. Hains.

Choctaw MCR 5325

Benjamin S. Kelly

See MCR 5316

MCR 5325

5325

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of Benjamin S. Kelly for the identification of himself and one minor child, Mary L., as Mississippi Choctaws.

Said Benjamin S. Kelly, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Benjamin S. Kelly.
Q How old are you? A Twenty-nine.
Q How much Choctaw blood have you? A Claim one sixteenth.
Q What's your postoffice address? A Tinsley, Mississippi.
Q What County? A Yazoo.
Q How long have you lived in Yazoo County? A Since '76.
Q Where did you live before that? A I was born in Arkansas and lived there a year or two and we lived one year in Indian Territory and came back here in '75.
Q Is your father living? A Yes sir.
Q What's his name? A John P. Kelly.
Q Is your mother living? A Yes sir.
Q What's her name? A Mary F. Kelly.
Q Is she the Mary F. Kelly who appeared before the Commission here yesterday and made application for identification as a Mississippi Choctaw? A Yes sir.
Q Your father has no Choctaw blood? A No sir.
Q What relation are you to Charles M. Moore who appeared before the Commission yesterday as ~~an~~ applicant for identification as a Mississippi Choctaw? A Nephew.
Q He is a full brother of your mother? A Yes sir.
Q Did you hear the examination in full of your uncle Charles M. Moore and his witness John M. Barrett and your mother? A Yes sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Myrtle Kelly.
Q Has she any Choctaw blood? A No sir.
Q You don't claim for her, then? A No sir.
Q How many children have you living? A One.
Q What's the name and age of that child? A Mary L. Kelly, age eight months.
Q Is she the child of yourself and Myrtle Kelly? A Yes sir.
Q This application, then, is for yourself and one minor child? A Yes sir.
Q You and your wife are living together at this time, are you? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Have you that license with you? A Yes sir.

Certified copy of marriage certificate of B.S. Kelly and Myrtle Shackelford is offered in evidence, identified as Exhibit-A, filed and made a part of the record in this case.

Benjamin S. Kelly et al--2

- Q Has any application of any description ever been made before today for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A For myself, not the child.
- Q When was any application made for you? A In 1896 and 1899.
- Q Did you make application to this Commission in 1896 under the act of June 10, 1896? A My father did.
- Q What was the result of that application? A Rejected.
- Q Was your case appealed to the United States Court? A No sir.
- Q Where did you appear before the Commission in 1899? A Carthage.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant and one minor child, Durham, as Mississippi Choctaws, their names appearing upon M.C.C. Field No. D-7, said application having been rejected by the Commission on the 8th day of March, 1899.

- Q At the time application was made for you three years ago you had a child living by the name of Durham, did you not? A Yes sir.
- Q Is that child living now? A No sir.
- Q When did he die? A He died three years ago on July 3rd. He was seven months and eleven days old.
- Q Are these two applications the only applications of any kind that have ever been made in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article thoroughly? A Yes sir, I reckon so.
- Q Do you know anything further as to whether any of your ancestors ever complied or attempted to comply with the provisions of that 14th article or ever received any benefits thereunder, than what was disclosed by the testimony of your mother and of your uncle Charles M. Moore and his witness John N. Barrett here before the Commission yesterday? A No sir.
- Q You never heard of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir.
- Q Or of any of them ever having attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q You don't know of any old person living who would likely know about that, do you? A No sir.
- Q Or of any written evidence which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Any witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of

Benjamin S. Kelly et al--3

this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?
A No sir.
Q You don't speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being a white man-- shows no indications of being possessed of Indian blood. He has dark hair, dark eyes and a light mustache--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 25th day of April, 1902, at Meridian, Mississippi.

L. B. Mosely
L. B. Mosely,
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *J. M. M.*

Deputy.

COPY.

M.C.R. 5325

Muskogee, Indian Territory, April 21, 1903.

Benjamin S. Kelly,

Tinsley, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William F. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara K. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.C.R. 5325.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Benjamin S. Kelly,
Tinsley, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

F. B. Needles.

Commissioner in Charge.

#3103

No. 5325

For Identification as a Mississippi Choctaw.

Meridian Miss.
Date

Name (2) Emma S. Kelly

Age 29 Blood 1/16

Post Office, Lumberton, Miss.

Father: John P. Kelly L

Mother: Mary S. Kelly S

Claims through Mother

wife Myrtle Kelly L
no claim for wife

St.

Children:

Mary L Kelly Sma.

Stenographer A. A. Kelly

Choctaw MCR 5326

John D. Kelly

See MCR 5316

MCR 5326

5326

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of John D. Kelly for
identification as a Mississippi Choctaw.

Said John D. Kelly, being first duly sworn, testified as
follows:

Examination by the Commission.

- Q What's your name? A John D. Kelly.
Q How old are you? A Twenty-two.
Q What's your present address? A Tinsley, Mississippi.
Q How much Choctaw blood have you? A One sixteenth.
Q Is your father living? A Yes sir.
Q What's his name? A John P. Kelly.
Q Is your mother living? A Yes sir.
Q What's her name? A Mary P. Kelly.
Q Is she the Mary P. Kelly who appeared before the Commission here
yesterday? A Yes sir.
Q Are you a full brother of Benjamin S. Kelly who just appeared
before the Commission? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q This application, then, is for yourself only, is it? A Yes sir.
Q Has any application of any description ever been made before
today in your behalf for the purpose of establishing your rights
as a Choctaw Indian? A Yes sir, in 1896 and 1899.
Q Application was made to the Dawes Commission in 1896 was it?
A Yes sir.
Q What was the result of that application? A In 1896 it was reject
ed.
Q Was your case appealed to the United States Court? A No sir.
Q Where was application made for you in 1899? A Carthage, Missis
sippi.

The records of the Commission show that on the 24th day
of January, 1899, application was made to the Commission at
Carthage, Mississippi, for the identification of this appli
cant as a Mississippi Choctaw, his name appearing upon
Mississippi Choctaw card Field No. D-4, said application
having been rejected by the Commission on the 8th day of
March, 1899.

- Q Are these two applications all the applications that have ever
been made for you for the purpose of establishing your rights as a
Choctaw Indian? A Yes sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory under
the 14th article of the treaty of Dancing Rabbit Creek? A Yes
sir.
Q Do you understand that 14th article? A Yes sir.
Q Did you hear the examination of your uncle, Charles M. Moore, and
his witness John E. Barrett and your mother, yesterday? A Yes sir.
Q Do you know anything further with reference to a compliance on the

John D. Kelly --2

part of your ancestors with the 14th article of the treaty of Dancing Rabbit Creek than that disclosed by your mother and your uncle and his witness in their testimony yesterday? A No sir.

Q Have you any witnesses here today? A No sir.

Q Any written evidence of any kind to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q How many brothers and sisters have you living? A Three sisters and four brothers.

Q What are their names, the oldest first? A Charlie, Benjamin, Grover and Pat Kelly.

Q What are the names of your sisters? A Mary Logan, Bettie Kinnison and Hattie Kelly.

Q Is that all? A Yes sir.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

The applicant has the appearance of being a white man-- shows no indications of being possessed of Indian blood-- has light hair and eyes--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 25th day of April, 1902, at Meridian, Mississippi.

L. B. Moseley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

Muskogee, Indian Territory, April 21, 1903.

John D. Kelly,

Tinsley, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary P. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary P. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John B. Kelly, Lester H. Moore, Guida Moore, Abbie Clark, Absalom O. Clark, Ines Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered

M.C.R. 5326.

COPY.

Muskogee, Indian Territory, July 14, 1903.

John D. Kelly,

Tinsley, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

T. B. Needles.

Commissioner in Charge.

#2066

No.

5133

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name

John D. Kelly

Age

22

Blood

1/16

Post Office,

Tuskey, Miss.

Father:

John P. Kelly L

Mother:

Mary F " L

Claims through mother

No.

Children:

Stenographer

J. A. Niles

Choctaw MCR 5327

Lester H. Moore

See MCR 5316

MCR 5327

5327

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of Lester H. Moore for the identification of himself and one minor child, Ouida, as Mississippi Choctaws.

Said Lester H. Moore, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Lester H. Moore.
Q How old are you? A Twenty-two.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your postoffice address? A Yazoo City.
Q How long have you lived in Yazoo County, Mississippi? A All my life except two years.
Q Where were those two years spent? A In New Orleans, Louisiana.
Q Is your father living? A No sir.
Q What was his name? A Absalom J. Moore.
Q Is your mother living? A Yes sir.
Q What's her name? A Lucinda R. Moore.
Q Through which one of your parents did you derive your Choctaw blood? A Father.
Q Your mother has no Choctaw blood? A No sir.
Q Are you a fullbrother of Abbie Clark who appeared before the Commission yesterday? A Yes sir.
Q What relation are you to Mary F. Kelly who appeared before the Commission yesterday? A She's a full sister of my father.
Q What relation are you to Charles M. Moore who appeared before the Commission yesterday? A He's a brother of my father.
Q Full brother? A Yes sir.
Q Through which one of his parents did your father get his Choctaw blood? A His father.
Q What was his name? A William M. Moore.
Q Did you ever see him? A No sir.
Q Do you know anything about where he lived during his life time? A He lived in the Territory after I was born--I never saw him.
Q Through which one of his parents did he get his Choctaw blood? A I've heard that he got it through his father.
Q Do you know his name? A No sir.
Q Where did he live, your great-grandfather? A I don't know, sir.
Q Do you know through which one of his parents he got his Choctaw blood? A No sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Mamie.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children living? A Yes sir.
Q How many? A One.
Q What's that child's name? A Ouida.
Q How old is this child? A One year and a half.
Q Is she the child of yourself and Mamie Moore? A Yes sir.
Q This application is for yourself and one minor child, is that correct? A Yes sir.

Lester H. Moore et al--2

Q Has any application of any kind ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A Yes sir.

Q When? A There was one made in 1896.

Q To whom? A Dawes Commission.

Q What was the result of the application? A It was rejected.

Q Was your case appealed to the United States court? A No sir.

Q Was any other application ever made for you? A Yes sir, at Carthage in 1899.

The records of the Commission show that on the 24th day of January, 1899, A. J. Moore, the father of this applicant, appeared before the Commission at Carthage, Mississippi and made application for the identification of himself and four minor children, Lester, Abbie, John and Vera, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. D-1.

Q You weren't married at the time application was made for you three years ago? A No sir.

Q Are these two applications the only applications of any kind that have ever been made for you? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and one minor child, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article thoroughly? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I can't say--I don't know.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land from the Government under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q You never heard of any of your people ever having gotten any land from the Government, then? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent

failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws had improvements and which they supposed they would receive under the 14th article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842 and heard a great many of the so Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States so far as you know? A No sir.

Q So far as you know, did any of your ancestors receive any benefits whatever as Choctaw Indians? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before

Lester H. Moore et al--4

us at anytime between now and the 30th of this month at Meridian, Mississippi, or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Were you married to Mamie under a license? A Yes sir.

Q Have you that license with you? A Yes sir.

Certified copy of the marriage certificate of Lester Moore and Mamie Clark is offered in evidence, identified as Exhibit-A, filed and made a part of the record in this case.

Q How many brothers have you living? A One.

Q What's his name? A John.

Q Is he of age? A No sir.

Q How many sisters have you living? A Two.

Q What are their names? A Abbie Clark and Vera Moores

Q The youngest is under age? A Yes sir.

Q With whom does your minor brother and minor sister live? A Mother.

Q Has any application of any kind been made for them within the last year? A No sir, not in the last year.

Q And none since the one in 1899? A No sir.

Q They are full brother and sister of yours? A Yes sir--my mother is an invalid and unable to appear in their behalf.

The applicant has the appearance of being a white man-- shows no indications of being possessed of Indian blood-- has light hair and eyes and a light complexion--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 25th day of April, 1902, at Meridian, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

COPY.

Muskogee, Indian Territory, April 21, 1903.

Lester H. Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary F. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly, et al.,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5308
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara R. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Jams Bixby.

Chairman.

Registered.

M.C.R. 5327.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Lester H. Moore,
Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

T. B. Needles.

Commissioner in Charge.

A. K. SWAN

ATTORNEY

OFFICE IN WHEELER BUILDING

ARDMORE, I. T.

Sept 9th 1905

To The Dams Commission

The Hon. James B. Barry, acting -

My information is that one
Lester H. Moore - a Miss. Choctaw Ind.
by blood made application to the Comm.
for identity as Miss. Choctaw - for him-
self and family, viz his wife Mamie
Moore - and two or three children. The
oldest child's name is Orinda. The
second is Lester Herbert, and the third
is Mildred. I am not fully conversant as
to whether the latter was applied for as a
member of the family.

I am engaged in the interest of this
wife and children, and should like to
know the status of the family as it
appears, and why not enrolled if not
an early reply will be appreciated.

Respectfully
A. K. Swan

INDEXED.

COMMISSION TO THE TRIBES.		
No.	Received	ANSWERED
42611	SEP 11 1905	BOOK

Swan, A.K.,
Ardmore, I.T.,...
Chickasaw Nation,
Sept. 9, 1905.

Asks status of application
of Lester H. Moore for
identification of himself
and family as Mississippi
Choctaws.

5327

M C R 6327

Muskogee, Indian Territory, September 13, 1905.

A. K. Swan,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, asking the status as Mississippi Choctaws of Lester H. Moore, his wife, Mamie Moore, and their minor children, Onida, Lester Herbert, and Mildred Moore. You state that you are engaged in the interests of the wife and children and desire to be advised on what grounds they were refused, if such is the case.

In reply you are informed it appears from the records of this office that on April 18th, 1902, at Meridian, Mississippi, Lester H. Moore, then about twenty-two years of age, post office address Yazoo City, Mississippi, appeared before the Commission to the Five Civilized Tribes and made application for the identification of himself and one minor child, Onida Moore, as Mississippi Choctaws. He stated that his wife Mamie had no Choctaw blood and that he made no claim for her; also that he had but the one child living. It does not appear that application has ever been made for Mamie Moore and the two children, Lester Herbert and Mildred Moore.

A K 8 2

The application made by Lester H. Moore for the identification of himself and his minor child, Ouida Moore, as Mississippi Choctaws was consolidated with and made a part of the Mississippi Choctaw case of Charles M. Moore, et al., in which case the Commission to the Five Civilized Tribes rendered a decision on April 21, 1903, refusing to identify the several persons included therein as Mississippi Choctaws.

On May 7, 1903, the record in said case, together with the Commission's decision adverse to the applicants, was forwarded the Department for consideration, and on June 23, 1903, the Secretary of the Interior affirmed the decision of the Commission above mentioned.

The applicants in the consolidated Mississippi Choctaw case of Charles M. Moore, et al. were refused identification as Mississippi Choctaws for the reason that they failed to produce sufficient proof to establish the fact that they were the descendants of a Choctaw ancestor who complied with the provisions of the 14th article of the Choctaw treaty of September 27, 1830.

As to Mamie Moore and her two children, Lester Herbert and Mildred Moore, for whom it appears no application has ever been submitted, you are advised that this office is now without authori-

A K B 3

ty to receive or consider the original application of any person
for identification as a Mississippi Choctaw.

Respectfully,

Acting Commissioner.

No. 5327

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 18 1882

Name *Lester A. Moore*

Age 22

Blood 1/16

Post Office, *Yazoo City, Miss.*

Father: *Abraham J. Moore*

Mother: *Lucinda A. " L*

Claims through father.

Wife *Minnie Moore*
no claim for wife

For self

Children:

Quida Moore

1 1/2 yr

Stenographer

J. A. Niles

00

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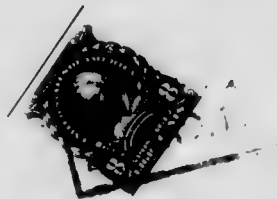
CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

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Dear Mr. Moore,

~~Yours truly, [illegible]~~

REGISTERED
APR 27 1903
MUSKOGEE, IND. TER.

Choctaw MCR 5328

Alf Hawkins

MCR 5328

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Alf Hawkins, et al., for
identification as Mississippi Choctaws, M C R 5328.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Alf Hawkins, et al.,
for identification as Mississippi Choctaws, M.C.R. 5328.

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5328

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of Alf Hawkins for the identification of himself and two children, Lucy and Sarah J., as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Alf Hawkins, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Alf Hawkins.
Q How old are you? A Forty-six.
Q How much Choctaw blood have you? A Mother said I was full blood.
Q Is your mother living? A No sir.
Q How much Choctaw blood did she have? A She said she was half.
Q Do you know who your father was? A No sir, she told me but I don't remember--its been so long.
Q You don't know who he was? A No sir.
Q Did she tell you he was a full blood Choctaw? A Yes sir.
Q Is he living? A Not as I know of.
Q What was the name of your mother? A Sallie.
Q Sallie what? A Sallie Bannister.
Q Was she a slave? A No sir.
Q Were you a slave? A No sir.
Q What's your postoffice address? A Dillard, Mississippi.
Q What County? A Copiah.
Q How long have you lived at Dillard? A I've been living there a good while.
Q About how long? A Well--I don't know--about fifteen years as nigh as I can come at it.
Q Where did you live before that? A In Lincoln County close to Brookhaven.
Q How long did you live there? A I don't know how long I lived there--we lived there and came to Copiah.
Q Were you born in Lincoln County? A No sir.
Q Where were you born? A I don't know, sir.
Q Have you lived in this State all your life? A Ever since I can recollect I have.
Q Did you ever see any one of your grandparents? A No sir, not as I can remember.
Q You don't know the names of any one of them? A No sir.
Q How old would your mother be if she were living now? A I spect she would be over fifty years old.
Q She would be a good deal over that if you are forty-six? A I was just guessing at it.
Q Can you speak or understand the Choctaw language? A No sir.
Q You never have lived among the Choctaws at all? A No sir.
Q Did your mother ever live among the Indians? A Yes sir, she could talk Choctaw--she tried to learn me but I wouldn't learn.
Q Do you know the name of any one of your ancestors except your mother? A No sir.
Q Did your mother live in this State all her life? A Ever since I can remember.

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Q You don't know where she lived before you were born? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Eliza Hawkins.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her, then? A No sir.
Q Have you been married more than once? A No sir.
Q How many children have you living? A Only two.
Q Are either of them of age? A No sir.
Q What are the names of these two children and their ages? A
The oldest one is named Sarah Jane, and the next is named Lucy.
Q How old is Sarah J? A She's eighteen now.
Q How old is Lucy? A She's fifteen.
Q Do they both live with you at this time? A Yes sir.
Q Are they both the children of yourself and Eliza Hawkins? A
Yes sir.
Q This application, then, is for yourself and two minor children,
is that right? A Yes sir.
Q Has any application ever been made before today for you or either
of these children for the purpose of establishing your rights as
Choctaw Indians? A No sir, not as I know of.
Q You never heard of any application ever having been made before
today for you or these children, you are sure of that, are you? A
Yes sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory for
yourself and two minor children under the provisions of article 14
of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit
Creek? A No sir, I don't understand that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new country, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he

Alf Hawkins et al---3

or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you now the 14th article of the treaty of Dancing Rabbit Creek, do you think you understand it? A Yes sir, I reckon I do.

Fearing that you might not clearly understand it I will explain it fully. The requirements of this 14th article you must understand were of Choctaw Indians who lived here 71 or 72 years ago when this treaty was made, who might have elected at that time to stay here in Mississippi and take land here in Mississippi from the Government, rather than move out with the main body of the Tribe to the new Nation. In case a Choctaw, who might have been living here at that time, decided that he preferred to stay here and not move out west--if he wanted to take land under the 14th article of the treaty--he was required to let the Agent of the Government here in Mississippi, for the Choctaws, know--within six months from the time this treaty was ratified--that he did want to stay here and become a citizen of the States and take land and he was then entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey, and if he had a child in his family over ten years of age on the 27th day of September, 1830, the day this treaty was entered into, he was entitled to a half section of land, and for each child under ten years of age he was entitled to a quarter section of land. These reservations for the children were required to adjoin the reservations for the parent and the reservations for these Indians were required in each instance to include the improvement of the parent as it existed on the 27th day of September, 1830. If a Choctaw lived on this land--so reserved for him by the Agent of the Government here at that time--for five years from February 24th, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple for the land--that is, the Government would give him a deed or patent to the land, conveying all its right title and interest in and to the land to the Indian and he could then dispose of it in any way that he might see fit. Now, that 14th

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article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed--that is if they ever went out to the Territory later--should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due to the Choctaws each year from the Government of the United States under the provisions of certain treaties between the Government and the Choctaws.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Do you know whether any of your ancestors lived here at that time? A No sir, I do not.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir, not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Did you ever hear of any of your people ever having gotten any land from the Government? A No sir.

Q Or any money? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to

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Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government, he should be entitled to select, in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip..

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir, not as I know of.

Q You never heard of any of your ancestors ever having received any benefits as Choctaw Indians? A No sir.

Q Did you ever hear of any of them ever having lived in Indian Territory? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of anyone.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Any witnesses here today to testify in your case? A No sir, not as I know, I haven't got any.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

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- Q Have you any brothers living? A Half Brothers.
Q How many? A Two.
Q By the same mother? A Yes sir.
Q What are the names of your half brothers? A Jim Bannister and Abe Bannister.
Q They claim to be half blood Choctaws, do they? A Yes sir.
Q Where do they live? A One lives in the swamp somewhere.
Q Where does the other live? A He lives in Copiah, close to me.
Q Has either one of them been before the Commission? A No sir.
Q What's the other half that they have--negre blood? A Yes sir.
Q Have you any brothers or half brothers dead who left children?
A No sir.
Q Did you ever have a full sister? A I had one--I think--she's dead.
Q Did she leave any children? A She had one but it died.
Q Have you any half sisters living? A Got two.
Q What are their names? A Mary and Millie.
Q Are they married? A Yes sir.
Q What are their married names? A Millie's husband is named Dan Hall and Mary's husband I don't know who he is.
Q Where do they live? A Mary lives in Arkansas and Millie lives in Kansas.
Q Are they full sisters of these Bannisters? A Yes sir.
Q Have you any half sisters dead who left children? A No sir.
Q Are any of your mother's brothers or sisters living? A I couldn't tell that--I don't know.
Q Did she ever have any brothers or sisters to your knowledge? A Not as I know of.
Q Did your father ever have any brothers or sisters? A Not as I know of.
Q You never saw your father that you know of? A No sir, not as I know of. I never saw him that I can remember of.
Q Do you know where he lived? A No sir.
Q But your mother told you he was a full blood Choctaw? A Yes sir.
Q Were you married to Eliza under a license? A Yes sir.
Q When? A I can't remember now how long it's been.
Q Where were you married to her? A Copiah County.
Q Who married you? A A preacher named Manuel Hunter.
Q You haven't that license with you, have you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Eliza for use in connection with the application you make in behalf of your two minor children. This evidence should be furnished within thirty days from this date if possible.

The applicant claims to be a full blood Choctaw--his hair is black and perfectly straight and his personal appearance would indicate that he might be a full blood, except that his eyes do not resemble those of a full blood Choctaw. He does not speak or understand the Choctaw language but accounts for this by reason of the fact that he has been raised away from the members of his tribe.

Ira S. Niles, being first duly sworn, states that as stenographer

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to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 12th, 1902, and that the same are true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. B. Mosley
Subscribed and sworn to before me this the 25th day of April, 1902,
at Meridian, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Department of the Interior.
Commission to the Five Civilized Tribes.
Meridian, Mississippi,... December 14, 1903.

In the matter of the application of Alf Hawkins for the identification of himself and family as Mississippi Choctaws.

ADDITIONAL TESTIMONY.

Alf Hawkins, the applicant, having been first duly sworn, upon his oath testifies as follows:

EXAMINATION BY THE COMMISSION:

- Q. What is your name? A. Alf Hawkins.
- Q. How old are you? A. I am about forty seven.
- Q. What is your postoffice address? A. Dillard, Mississippi.
- Q. Are you the identical Alf Hawkins, who on April 18, 1903 appeared before the Commission at Meridian, Mississippi and made application for the identification of himself and two children, Lucy and Sarah Jane Hawkins as Mississippi Choctaws? A. Yes sir.
- Q. Are your two children, Lucy and Sarah Jane, still living?
- A. Yes sir.
- Q. What was your father's name? I do not know sir. Don't remember him.
- Q. He died before you were old enough to remember him?
- A. I could not really say that either.
- Q. Was your father a full-blooded Choctaw? A. Mother said he was.
- Q. And have you also been informed by others that your father was a full-blooded Choctaw? A. Yes sir.

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- Q. What was your mother's name? A. Sallie.
- Q. Her full name? A. Well, she married a man after she came to this country by the name of Abe Bannister.
- Q. Is your mother living? A. No sir, she is dead.
- Q. Was your mother a full-blooded Choctaw? A. Yes sir.
- Q. Where was your mother born, if you know sir?
- A. I do not know sir.
- Q. Have you always lived in the state of Mississippi?
- A. No sir, I was not born in this state, as I know of. When we come to this country, I was a suckling baby. That is what my mother told me.
- Q. Do you know in what state you were born. A. No sir.
- Q. Do you know what your mother's father's name was? A. No Sir.
- Q. Do you know what your mother's mother's name was? A. No sir
- Q. Do you know the name of either of the parents of your father? A. No sir.
- Q. How old would your mother be if she were living now?
- A. I do not know sir.
- Q. Well, about how old? A. I do not know how old she was when she died.
- Q. Did your mother speak and understand the Choctaw language?
- A. Yes sir.
- Q. Did you ever learn to speak the Choctaw language?
- A. My mother said I could talk it when I was small.
- Q. Are you married? A. Yes sir.
- Q. What is your wife's name? A. Eliza Hawkins.
- Q. Is she living? A. Yes sir, when I left home.

- Q. Does she claim any Choctaw blood? A. No sir.
- Q. What are the names of your children?
- A. One's name is Lucy Hawkins and the other Sarah Jane Hawkins.
- Q. Both of these children are living at this time?
- A. Yes sir, living yesterday morning when I left home.
- Q. When you were before the Commission two years ago, the 14th. Article of the Treaty of "DANCING RABBIT CREEK" was fully explained to you, was it not? A. Yes sir.
- Q. Do you know whether any of your ancestors ever complied or attempted to comply with the provisions of that article of that Treaty? A. I do not understand that.
- Q. Do you know whether any of your foreparents went to the United States' Indian Agent who was located here in Mississippi directly after the Treaty of "DANCING RABBIT CREEK" was ratified, and told ~~them~~ they wished to stay in Mississippi, -take land here, and become citizens of the State? A. No sir.
- Q. Do you know whether any of your foreparents ever received any land in Mississippi or Alabama from the Government of the United States under the provisions of Article 14, of the Treaty of "DANCING RABBIT CREEK"? A. No sir.
- Q. Do you think you could obtain the testimony of witnesses who were acquainted with your parents, and knew them to be full-blooded Choctaw Indians? A. Yes, I know of some witnesses.
- Q. Can you secure the appearance of these witnesses before the Commission within a reasonable time hereafter?
- A. Yes sir.

You will be allowed a reasonable length of time within which to introduce additional testimony in support of your claim for identification as a Mississippi shoteau.

(Miss) Mattie R. Simmons, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause, heard at Meridian Mississippi, December, 14, 1903, and that the foregoing is a full, true and correct transcript of her stenographic notes taken in said proceedings on said date.

(Miss) Mattie R. Simmons

Subscribed and sworn to before me this the 14th day of
December, 1903 at Meridian, Mississippi.

B. D. White.
Chancery Clerk
By A. Moody, Deputy.

Department of the Interior.
Commission to the Five Civilized Tribes.
Hazlehurst, Mississippi, December 22nd., 1903.

In the matter of the application of Alf Hawkins, et al.,
for identification as Mississippi Choctaws.

Additional Testimony.

J. W. Dunbar, a witness called on behalf of the applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A J. W. Dunbar.
Q How old are you? A Sixty four.
Q What is your post office address? A Wilmore, Copiah County, Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q And have you lived in Mississippi all your life? A Yes sir.
Q Are you acquainted with the principal applicant in this case, Alf Hawkins? A Yes sir.
Q How long have you known him? A I knew him when a boy, and then I lost track of him for a while after the surrender. I knew his mother well.
Q What was his mother's name? A Sallie.
Q Her full name? A She went by the name of Sallie Bannister after she married the second time.
Q What was her first husband's name if you know? A I understood his name was Hawkins, but I never knew him.
Q Is Sallie living? A I think not, I think she is dead.
Q Do you know when she died? A No sir, she died a few years ago.
Q Of what race was Sallie? A I think she was a full-blood Indian.
Q Full-blood Choctaw Indian? A Yes sir/
Q Have you during your lifetime known a good many Choctaw Indians? A Yes sir.
Q And do you think you are able to tell from their physical appearance whether or not they are full-bloods? A Yes sir.
Q And it is your opinion, from your experience, that Sallie, the mother of Alf Hawkins, was a full-blood Choctaw Indian? A Yes, I might say I am certain of the fact.
Q What was Alf's father's name? A I don't know for certain, but I understood his name was Hawkins; he was born in the territory.
Q Do you mean Alf was born in the Territory? A That is my understanding from what Sallie said.
Q Did you ever hear Sallie, the mother of Alf, say whether or not Alf's father was a Choctaw Indian? A I don't know as I ever spoke to her directly about the matter, but I have heard her in conversation with others say that Alf's father was a Choctaw.
Q Did she say that he was a full-blood Choctaw? A Yes sir, and that he died in the Indian Territory. She claimed to be from the territory, and said that Alf was born there.
Q When did you first become acquainted with Sallie, the mother of Alf Hawkins? A It was along in the 50s, I don't remember just what year.

Q Did you ever hear her say anything about any of her people, her fore-parents, or anything about the fore-parents of her first husband, Hawkins, as to whether any of them ever obtained any land from the Government in Mississippi? A I don't know as I ever did, no sir.

In 1830, a treaty was entered into between the United States Government and the Choctaw Indians, who at that time occupied a reservation of land in the state of Mississippi, and by the terms of article fourteen of that treaty if any Choctaw wanted to stay in Mississippi and not remove to the Indian Territory, he was required to go before Colonel Ward, the agent of the Government in Mississippi at that time, and tell him that he wanted to stay in Mississippi, take land here and become a citizen of the states; and if he did so, he was entitled to a section of land for himself, a half section for each child over ten years of age, and a quarter section for each child under ten, the reservations for the children to adjoin the location of the parent, and the whole to include the improvement of the head of the family. If they lived on that land five years they were entitled to receive a deed to it from the Government.

Q Do you know whether any of the ancestors of Alf Hawkins ever received any land from the Government under article fourteen of that treaty? A No, I don't know.

Q From his appearance, would you take Alf Hawkins to be a full-blood Choctaw Indian? A I would, sir.

Q Did Sallie, his mother, speak the Choctaw language? A Yes sir, better than any other; in fact she never did speak the English language plain.

Q How old was Alf when you first became acquainted with him? A He was quite a small boy not over six years of age. I first knew him in Lincoln County, this state, and after I moved to this county, I lost track of him until several years ago when he moved up near me in this county.

Q Are there any further statements you wish to make about this case? A Only this, I have no doubt in my mind that Alf is a full-blood Choctaw. I have heard his mother, Sallie, say so time and again, and that the boy's father was a full-blood Choctaw, and that they all formerly lived in the Indian Territory.

Q You do not know the names of either of the parents of Sallie, the mother of Alf Hawkins? A No, I never did ask her about it.

Q And do you know the names of either of the parents of Hawkins?-- Alf's father? A No.

Q Did you ever hear any other name for the father of Alf except just Hawkins---any given name? A No, that is the only name I heard for him. Sallie would just refer to Alf as Hawkins' boy, and she seemed to be proud of the fact that he was all Choctaw. She had some other children by Bannister, who was a negro, and she seemed to think a heap more of Alf, because he was all Choctaw.

Q That is all you know about this case? A Yes sir.

H C Risteen, being first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 22nd day of December, 1903, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes of
said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me this 26. day of December 1903

S. B. Watts
41. S. P. 41.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Alf Hawkins, et al.,
for identification as Mississippi Choctaws, M C R 5328.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Alf Hawkins for himself and his two minor children, Sarah Jane and Lucy Hawkins, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Hawkins, who is alleged to have been a Choctaw Indian, degree of blood not stated, and Nellie Bannister, who is alleged to have been an one-half or a full blood Choctaw Indian.

An effort has been made on behalf of the principal applicant to show that he is a full blood Mississippi Choctaw but the evidence herein fails to substantiate such allegation. His own testimony given on his first appearance before this Commission shows that his mother was an one-half blood Choctaw Indian, and the examiner before whom the principal applicant appeared states that he has not the appearance of a full-blood Choctaw.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Hawkins, or Sallie Bannister signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and

August 23, 1842 (5 Stats., 615).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alf Hawkins, Sarah Jane Hawkins and Lucy Hawkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamo Dixby

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. B. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 17 1904

M.C.R. 5328.

Muskogee, Indian Territory, August 19, 1903.

Benjamin Martin, Jr.,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 14, asking that you be entered as attorney of record for Alfred Hawkins who is an applicant for identification as a Mississippi Choctaw, and in reply to your letter you are informed that your request has been made the matter of record.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.O.R. 5328.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 4, 1903.

H. Van V. Smith,
Special Agent of the Government,
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Alf Hawkins, of Haslehurst, Mississippi, for the identification of himself and two minor children as Mississippi Choctaws.

The principal applicant in this case testifies that he is a full-blood Choctaw, but later in his examination states that his mother was an one-half blood Choctaw Indian. He is also unable to give any information relative to his father; and you are directed, if possible, to secure from Alf Hawkins or some other person or persons who have knowledge of this applicant, an affidavit, deposition or such other testimony as is procurable relative to the parents of the principal applicant herein.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,

Enc.: M.O.R. 5328.

Chairman.

Meridian, Mississippi, September 25, 1903.

Alf Hawkins,

Dillard, Mississippi.

Dear Sir-

It appears from the records of the Commission that on April 18, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 36
M C R 5328

Special Agent.

Meridian, Mississippi, October 12, 1903.

Mr R. W. Miller,
Attorney at law,
Hastlehurst, Mississippi.

Dear Sir-

I am in receipt of your communication of October 10, 1903, relative to the application of Alf Hawkins for the identification of himself and family as Mississippi Choctaws, in which you state that Hawkins went before the Commission last April at Meridian and proved his identity as a Choctaw and was allowed \$1000.00 for himself and a like amount for two children each and 300 acres for each himself and children.

Replying to your communication, you are advised that it appears from the records of the Commission that on April 18, 1902, Alf Hawkins appeared before the Commission at Meridian, Mississippi, and made application for the identification of himself, and his two minor children, Lucy and Sarah J. Hawkins, as Mississippi Choctaws, and their status at this time is that of applicants for identification as Mississippi Choctaws whose rights have in no manner been determined.

From the testimony of Alf Hawkins, it appears that he claims to be a full-blood Choctaw, but he testified further that his mother was one-half Choctaw, and that he did not know who his

R M Miller 2

father was.

In order that a decision may be rendered in this case, it will be necessary for Alf Hawkins, and such witnesses as he may desire to introduce in support of his application, to appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify as to the amount of Choctaw blood possessed by the parents of this applicant, and such other facts as may be necessary.

Very respectfully,

Special Agent.

Rep. to 360
File.No.36
M C R 5328

Meridian, Mississippi, December 3, 1903.

Alf Hawkins,
C/o R.N. Miller, Attorney,
Hazlehurst, Mississippi.

Dear Sir-

Will you please advise me whether or not it is your intention to appear before the Commission at Meridian, Mississippi and testify in the matter of your application for the identification of yourself and family as Mississippi Choctaws. This matter should receive your immediate attention.

Very respectfully,

Special Agent.

Muskogee, Indian Territory, April 15, 1904.

S. Sokoloski,

Haslehurst, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 5, 1904, addressed to Mr. H. C. Risteen, which has been by him referred to this Commission for reply. Therein you ask if anything has been done in regard to the claim of Alf Hawkins to rights as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that Alf Hawkins made application to this Commission for the identification of himself and his two minor children, Sarah J. and Lucy Hawkins, as Mississippi Choctaws, but as yet the rights of these applicants to such identification have not been passed upon by the Commission. When a decision is rendered in this case, however, Alf Hawkins will be duly notified thereof.

Respectfully,

Commissioner in Charge.

M C R 5328

Muskogee, Indian Territory, June 15, 1904.

R. P. Willing, Jr.,
Attorney at Law,
Hazelhurst, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask to be advised the status of the Mississippi Choctaw application of Alf Hawkins, et al.

In reply to your letter you are informed that it appears from our records that Alf Hawkins made application to this Commission for the identification of himself and two minor children, Sarah J. and Lucy Hawkins, as Mississippi Choctaws, but up to the present time their rights to such identification have not been passed upon. When a decision is rendered in this case the principal applicant will be duly notified of such action as may be taken by the Commission.

Respectfully,

Chairman.

COPY.

M C R 5328

Muskogee, Indian Territory, October 17, 1904.

Alf Hawkins,

c/o S. Sokoloski, P. O. Box #56,

Hazlehurst, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 17, 1904, rendered its decision refusing your application for the identification of yourself, and your two children, Sarah J. Hawkins and Lucy Hawkins, as Mississippi Choctaws.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file argument in this office in support of your claim, and at the expiration of said fifteen days the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED: *Tamo Bixby*
Chairman.

Registered.

M C R 5328

COPY.

Muskogee, Indian Territory, October 17, 1904.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on August 17, 1904, rendered a decision refusing the application made to this Commission by Alf Hawkins for the identification of himself and two children, Sarah J. Hawkins and Lucy Hawkins, as Mississippi Choctaws.

You are further advised that the applicants in this case will be allowed fifteen days from the date of this notice within which to file argument in this office in support of their claim, and at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamo Dixey*

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 17, 1904.

R. P. Willing, Jr.,
Attorney at Law,
Hastehurst, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on August 17, 1904, rendered a decision refusing the application of Alf Hawkins for the identification of himself and two children, Sarah J. Hawkins and Luey Hawkins, as Mississippi Choctaws.

You are further advised that the applicants in this case will be allowed fifteen days from the date of this notice within which to file argument in this office in support of their claim, and at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamo Dixby*
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 17, 1904.

R. W. Miller,
Attorney at Law,
Hatchurst, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on August 17, 1904, rendered a decision refusing the application of Alf Hawkins for the identification of himself and two children, Sarah J. Hawkins and Lucy Hawkins, as Mississippi Choctaws.

You are further advised that the applicants in this case will be allowed fifteen days from the date of this notice within which to file argument in this office in support of their claim, and at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIG.

Chairman.

Registered.

M C R 5323

COPY.

Muskegee, Indian Territory, October 17, 1904.

Benjamin Martin, Jr.,
Attorney at Law,
Muskegee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 17, 1904, rendered a decision refusing the application of Alf Hawkins for the identification of himself and two children, Sarah J. Hawkins and Lucy Hawkins, as Mississippi Choctaws.

You are further advised that the applicants in this case will be allowed fifteen days from the date of this notice within which to file argument in this office in support of their claim, and at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamc Ditty*
Chairman.

Registered.

M C R 5328

COPY.

Muskogee, Indian Territory, October 17, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 17, 1904, refusing the application of Alf Hawkins for the identification as Mississippi Choctaws of himself and his two children, Sarah J. Hawkins and Lucy Hawkins.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file argument in this office, and that at the expiration of said fifteen days the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamoc Dixey*

Encl. M C R 5328

Chairman.

COPY.

Muskogee, Indian Territory, November 2, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith the record in the case of Alf Hawkins et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17, 1904.

The Commission has the honor to report that the principal applicant herein, his attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Birney

Chairman.

Through the
Commissioner of Indian Affairs.

2 Incl. M.C.R. 5328.

MCR 5328

Land

DEPARTMENT OF THE INTERIOR,

78127-1904.

OFFICE OF INDIAN AFFAIRS,

Washington, November 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated November 2, 1904, transmitting the record of the application for identification as Mississippi Choctaws by Alf Hawkins for himself and his two minor children, Sarah Jane and Lucy Hawkins.

October 17, 1904, the Commission decided adversely to the applicants.

The record shows that all of the applicants claim rights in the Choctaw lands by reason of being a descendant of Hawkins, who is alleged to have been a Choctaw Indian, degree of blood not shown and Sallie Bannister, who is alleged to have been an one-half blood or a full-blood Choctaw Indian.

It further appears from the record, and from the records of this office, that none of the applicants has ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any tribunal of the United States.

It does not appear from the evidence, or from the records of this office relating to persons who applied, or attempted to

-2-

comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Hawkins, or Sallie Bannister, or ancestor less remote signified in person or by proxy to any person an intention to comply with the provisions of article 14 of the treaty of 1830, or presented a claim to rights under subsequent legislation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C. Tonner

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR,

YP

D.C. 44825-1904.
I.T.D. 11584-1904.

WASHINGTON.

FHE

November 17, 1904.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 2, 1904, you transmitted the record in the matter of the application of Alf Hawkins for the identification of himself and his two minor children, Sarah Jane and Lucy Hawkins, as Mississippi Choctaws, including your decision of October 17, 1904, which was adverse to the applicants.

Reporting in the matter November 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

M.C.R. 5328

COPY.

Muskogee, Indian Territory, November 30, 1904.

Alf Hawkins,

Care S. Sokoloski, P. O. Box #56,

Hazlehurst, Mississippi,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alf Hawkins et al., of which decision you were advised by registered mail on the 17th day of October, 1904.

Respectfully,

(SIGNED)

P. Needles.

Commissioner in Charge.

M.C.R. 5328

COPY.

Muskogee, Indian Territory, November 30, 1904.

Benjamin Martin, Jr.,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alf Hawkins et al., of which decision you were advised by registered mail on the 17th day of October, 1904.

Respectfully,

(SIGNED)

I. D. Veedick
Commissioner in Charge

COPY.

M.C.R. 5328

Muskogee, Indian Territory, November 30, 1904.

R. N. Miller,

Attorney at Law,

Haslehurst, Mississippi,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alf Hawkins et al., of which decision you were advised by registered mail on the 17th day of October, 1904.

Respectfully,

W. B. NEEDLES

T. B. Needles,

Commissioner in Charge.

M.C.R. 5328

COPY!

Muskogee, Indian Territory, November 30, 1904.

R. P. Willing,
Attorney at Law,
Hazelhurst, Mississippi,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of the several persons included in the case of Alf Hawkins et al., of which decision you were advised by registered mail on the 17th day of October, 1904.

Respectfully,

Yours truly,

T. B. Needles.

Commissioner in Charge.

COPY

M.C.R. 5328

Muskogee, Indian Territory, November 30, 1904.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alf Hawkins et al., of which decision you were advised by registered mail on the 17th day of October, 1904.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, November 30, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alf Hawkins et al., a copy of which decision was mailed you on the 17th day of October, 1904.

Respectfully,

(SIGNED)

T.B. Needles,
Commissioner in Charge.

M C R 6328

Muskogee, Indian Territory, June 20, 1905.

Conn & Dadds,

Attorneys at Law,

Haslehurst, Mississippi.

Gentlemen;

Receipt is hereby acknowledged of your letter of the 15th instant, requesting to be advised the status of the Mississippi Choctaw case of Alf Hawkins, et al.

In reply you are advised that the Commission's decision of October 17, 1904, refusing the application made by Alf Hawkins for the identification of himself and two minor children as Mississippi Choctaws, was affirmed by the Secretary of the Interior on November 17, 1904, on which departmental action Alf Hawkins was notified on November 30, 1904.

This case is considered closed and the Commission is now without authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

M C R 5328

Muskogee, Indian Territory, August 9, 1906.

J. B. Errington,
Attorney at Law,
Hazlehurst, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting to be advised as to the status of the Mississippi Choctaw application of Alf Hawkins, et al., and if a new hearing can be had in the case. You also desire to be furnished the address of Judge Henry S. Foot.

In reply you are advised that on November 17, 1904, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered October 17, 1904, refusing to identify Alf Hawkins and his two children, Sarah J. and Lucy Hawkins, as Mississippi Choctaws, for the reason that the evidence submitted in support of the case failed to show that the applicants were the descendants of a Choctaw ancestor who lived in the old Choctaw Nation in Mississippi in 1830 and complied with the provisions of the 14th article of the treaty of September 27th, 1830; and for the further reason that the evidence showed the applicants were not full blood Choctaw Indians.

As to securing a new hearing in the above case, your attention is invited to the following portion of Section 1 of the Act

J B E 2

of Congress approved April 26, 1906 (Public No. 129):

"No motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered, except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days from the passage of this Act."

You will note from the above legislation that this office now has no authority to receive motions for rehearings in Mississippi Choctaw cases.

You are further advised that Judge Henry S. Foote of the late Choctaw and Chickasaw Citizenship Court, died in the city of Washington over a year ago.

Respectfully,

Commissioner.

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name

Age

Blood

Post Office,

Father:

Mother:

Claims through

full $\frac{1}{2}$

$\frac{1}{2}$ $\frac{1}{4}$

Children:

#2068

No. 5128

For Identification as a Mississippi Choctaw.

Meridian Miss., APR 18 1902

Name Alf Hawkins

Age 46 Blood full

Post Office, Dillard, Miss

Father: dont know d

Mother: Sallie Bannister d

Claims through both parents.
wife.

Elihu Hawkins &
no claim for wife.

For

Children:

Sarah J. Hawkins 18

Lucy " 15

J. S. Niles

77 July 77 Dear Mother for
if any of the other
the other attorney has given
up the case -
Hager - it is Miss is the only

8/14/03

replied that he

thought it was

up to the state -

Constitutional Convention

Choctaw MCR 5329

John H. Shucubbee

MCR 5329

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John H. Shucubbee, et al.,
for identification as Mississippi Choctaws, N. C. R. 5329.

-----0-----

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of John H. Shucubbee, et al.,

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Page.

Original application of John H. Shucubbee, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	1
Testimony of Solomon Sockley,	5
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5329

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of John H. Shucubbee for the identification of himself and one minor child, Ezekiel, as Mississippi Choctaws.

Said John H. Shucubbee, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A John H. Shucubbee.
Q How old are you? A Twenty-ywo.
Q How much Choctaw blood have you? A Half.
Q What's your postoffice address? A Durant, Mississippi.
Q What County? A Attala County.
Q How long have you lived in Durant? A I've been there all my days.
Q Is your father living? A No sir.
Q What was his name? A Henry Shucubbee.
Q Is your mother living? A Yes sir.
Q What's her name? A Rachel Holmes.
Q Was she a slave? A No sir.
Q Has she any Choctaw blood? A No sir.
Q You get your Choctaw blood solely through your father, do you?
A Yes sir.
Q How much Choctaw blood did he have? A Full blood.
Q Did he speak the Choctaw language? A Yes sir.
Q Do you? A No sir, I was raised up with the darkies.
Q How old would your father be if he were living now? A I don't know, sir.
Q About how old? A I think he was twenty-two when he died and he's been dead about eighteen years.
Q Did he live in Mississippi all his life? A Yes sir.
Q Do you know the names of his father and mother? A Yes sir, Sam Shucubbee was his father.
Q What was his mother's name? A Sallie.
Q Were they both full blood Choctaws? A Yes sir.
Q Are either of them living now? A No sir.
Q Where did they live? A In Neshoba County.
Q What part? A About the upper edge of Neshoba, I think.
Q How old would they be if they were living now? A I don't know, sir.
Q Do you know the names of any of their parents? A No sir, I do not.
Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes sir.
Q Did you ever have a full brother? A Yes sir, one.
Q Is he living? A No sir, he died before I was born.
Q He died in infancy, did he? A Yes sir.
Q Did you ever have a full sister? A No sir.
Q Were your father and mother married? A Yes sir.
Q What evidence have you of that fact? A Well, they said they were married-my witnesses I suppose would know they were married.
Q Who is that witness? A Solomon Sockey.
Q He is here today? A Yes sir.

John H. Shucubbee et al--2

- Q Is he a full blood Choctaw? A Yes sir.
Q Were they married under a license? A No sir, Indian fashion.
Q Where were they married, do you know? A No sir, I don't--I think though it was down along the line of Madison and Neshoba Counties.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Has she any Choctaw blood? A Not as I know of.
Q You make no claim for her, then? A No sir.
Q What's her name? A Plummie.
Q How many children have you living? A One.
Q What's that child's name? A Esakiel.
Q How old is Esakiel? A One year old.
Q Is he living with you now? A Yes sir.
Q Is he the child of yourself and Plummie? A Yes sir.
Q Were you married to Plummie under a license? A Yes sir.
Q When? A In 1899.
Q Where? A Attala County.
Q Who married you? A Lee Suggs.
Q What official position did he hold at that time? A Minister of the Gospel.
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Plummie, for use in connection with the application you make in behalf of your minor child. This should be furnished within a period of thirty days from this date, if possible.

- Q This application is for yourself and one minor child, is that right? A Yes sir.
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A No sir, I don't.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave this country and for the

benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new nation might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A Not as I know of.

Q Did any of them live here at that time to your knowledge? A I don't know.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear of any of your ancestors ever having received any land from the Government of the United States? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi

to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on that account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Did you ever hear of any of your ancestors ever having received any benefits whatever as Choctaw Indians? A No sir, I haven't.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts--any papers of any kind? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Any witnesses here today? A Yes sir.

Q How many? A One.

John H. Shucubbee et al---5

Q What's his name? A Solomon Sockey.

Q What do you expect to prove by him? A Prove up my father's full blood.

Q Choctaw? A Yes sir.

Q What else? A I reckon that's all.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Q Are any of your father's brothers or sisters living? A Not as I know of.

Q Are any of the children of any of them living? A No sir.

Q Are any of your Choctaw relatives living at all? A I don't know, sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates; he shows very slight, if any, indications of being possessed of Indian blood. Does not speak or understand the Choctaw language.

Solomon Sockey, being first duly sworn, testified as follows:
(Oscar Billey, official interpreter)

Examination by the Commission.

Q What's your name? A Solomon Sockey.

Q How old are you? A I am fifty-eight or fifty-nine.

Q What's your postoffice address? A Goodman, Mississippi.

Q What County? A Holmes County.

Q Are you a full blood Choctaw Indian? A Yes sir.

Q You have heretofore appeared before the Commission and made application for the identification of yourself and family as Mississippi Choctaws? A Yes, I been last year.

Q How long have you lived in the State of Mississippi? A I been here all my days.

Q What part of the State have you lived in all your life? A I was born in Attala County and I have lived in Attala and Holmes County.

Q Did you ever live in Neshoba or Winston? A No sir, I married my wife in Neshoba County.

Q Are you acquainted with this applicant, John Henry Shucubbee?

A Yes sir.

John H. Shucubbee et al--6

- Q How long have you known this applicant? A I been knowing him since I was about two years old.
- Q Are you acquainted with his mother? A Yes sir, I saw her three times--that's all I saw her. She come over to my house and brought this child.
- Q Where does she live now? A She lives in Attala County.
- Q She has no Choctaw blood, has she? A She said she had but I can't say--I don't know.
- Q What's her name? A Rachel Holmes.
- Q Were you acquainted with this applicant's father? A Yes sir.
- Q What was his name? A Henry Shu-cubbee.
- Q How long has Henry been dead? A He's been dead something over twenty years.
- Q Did he have any Choctaw blood? A Yes, he was full blood.
- Q How old was Henry when you first became acquainted with him? A I know him when he was a little chap. I know all his family--he married three miles from me.
- Q Was he older or younger than you? A Younger than me.
- Q Did Henry live here in this State all his life? A Yes sir, he was raised mostly in Neshoba County.
- Q Did you know Henry's father and mother? A Yes sir.
- Q What were their names? A Sam Shucubbee.
- Q What was his mother's name? A Sallie.
- Q Are they both dead now? A Yes sir.
- Q Were they both full blood Choctaws? A Yes sir.
- Q Where do they live? A In Neshoba County, six miles the other side of Philadelphia.
- Q They lived in Mississippi all their lives, did they? A Yes.
- Q Do you know the names of their parents? A No, I don't know them.
- Q How old would Sam and Sallie be if they were living now? A I think about seventy years old.
- Q Did Sam have any Choctaw ~~blood~~ name? A Yes.
- Q What was his Choctaw name? A Ah-ko-mo-tah.
- Q You don't remember the names of his parents, do you? A Yes.
- Q What were their names? A Tish-o-cubbee was his father and his mother's name was Ah-chi-ah.
- Q Did Tish-o-cubbee and Ah-chi-ah live in Neshoba County all their lives? A Yes.
- Q How old would they be if they were living now? A They would be about ninety years old.
- Q Do you know the names of any of Ah-chi-ah's brothers or sisters? A No sir.
- Q Do you know the names of her parents--her father and mother? A No, I don't know either one of them.
- Q Did Sallie Shu-cubbee have a Choctaw name? A I don't know.
- Q Do you know the names of her parents? A No.
- Q So far as you know have all of the Choctaw ancestors of this applicant always lived here in Mississippi? A Yes.
- Q Do you know whether Henry Shu-cubbee--the father of this applicant, and the applicants mother, Rachel, were lawfully married? A I used to see them living together.
- Q Do you know whether they were married under a license or not? A No, I don't know.
- Q Where were they living together when you saw them? A I seen them five miles from Durant.

- Q How long did they live together as husband and wife? A I don't think more than about two years--somewhere along there.
- Q Was Henry living with this woman Rachel at the time of his birth? A Yes.
- Q He had lived with her then continuously for about two years prior to his death? A Yes.
- Q How many children were born to them? A Only one.
- Q You never heard of their having another one? A No.
- Q How long prior to the death of Henry Shu-cubbee was it that this applicant, John Henry, Shucubbee, was born? A I don't know--he was just a little boy.
- Q Were Henry and Rachel living together as husband and wife when this boy, John Henry, was born? A Yes.
- Q How long had they lived together when he was born? A Something over a year they was living together when this boy was born.
- Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
- Q Do you know whether any of the ancestors of this applicant ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know.
- Q Did any of them own an improvement here in the old Choctaw Nation in 1830 when this treaty was made, to your knowledge? A I don't know.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.
- Q Did you ever hear of any of the ancestors of this applicant ever having received any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I never heard.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the

John H. Shu-cubbee et al--8

cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of the ancestors of this applicant, to your knowledge, appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of the ancestors of the applicant, to your knowledge, ever get any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q If any of the ancestors of this applicant, then, ever received any benefits as Choctaw Indians you never heard of it? A No, never did.

Q Do you know of any old person living who would likely know more about this matter than you do? A I don't know of any.

Q Are you related in any way to this applicant? A No.

Q Are you interested in any way in the result of his application? A No.

Q What's your occupation? A Farmer.

Applicant recalled.

Q Are there any further questions you would like to have asked of the witness? A No sir, I believe not.

Commission:

The witness is to all appearance a full blood Indian--he speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw Interpreter.

Ira S. Hiles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

John H. Shusubbe et al--9

all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. S. Shier
Subscribed and sworn to before me this the 26th day of April, 1902,
at Meridian, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John H. Shucubbee, et al.,
for identification as Mississippi Choctaws, W. C. R. 5329.

--: D E C I S I O N :--

It appears from the record herein that application
for identification as Mississippi Choctaws was made to this Com-
mission by John H. Shucubbee for himself and his minor child,
Ezekiel Shucubbee, under the following provisions of the act of
Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses, and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that both of said applicants claim
rights in the Choctaw lands under article fourteen of the
treaty between the United States and the Choctaw Nation, concluded

September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Fishcubbee and Ahshiah and Sallie (or Sallie Shucubbee), all of whom are alleged to have been full blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It also appears that the name Ahshiah is found on page 568 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, that the name Ahshiah is found on pages 379, 383, 557 and 659 of said record, said citations being to certain lists, schedules and depositions relating to claims under the treaty of Dancing Rabbit Creek.

It further appears that persons bearing the names Ahshiah, Ahsheah, Ahsheah, Ahshia, Ahshia, Salla, Sally and Sallie received scrip as beneficiaries under the provisions of article fourteen of said treaty.

There is nothing in the testimony of the applicants herein which tends to show that the ancestors through whom they claim, whose names are similar to the names mentioned in the

above records are identical with any one of the said persons.

It further appears that the name Aohia is found on page 82 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Moshulatubbe's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of Dancing Rabbit Creek, and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with article nineteen of said treaty, but said record in no way relates to article fourteen or shows a compliance or attempted compliance on the part of the persons therein named with any of its provisions.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tishocubbee, or Ahohiah, or Sallie (or Sallie Shucubbee), through whom these applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such

claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Shucubhee and Eschiel Shucubhee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tame Bixby.
Acting Chairman.

SIGNED

T. B. Needles.
Commissioner.

SIGNED

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

JAN 31 1902

COPY.

M.C.R. 5329

Muskogee, Indian Territory, January 31, 1903.

John H. Shucubbee,
Durant, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John H. Shucubbee, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Shucubbee and Ezekiel Shucubbee as Choctaw Indians entitled to rights in the Choctaw lands, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof, within which to file arguments in this office, and that at the expiration of said time the papers in the case to-

-2-

gether with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 5329

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John H. Shucubbee, et al., applicants for identification as Mississippi Choctaws.

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Shucubbee and Esakiel Shucubbee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John H. Shucubbee, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 31, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamc Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5529

D.C. 13857

C O P Y.

J.W.H.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

PHS.

I.T.D. 2744-1903.

May 7, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 16, 1903, you transmitted the record in the case of John H. Shucubbe (M.C.R. 5329), et al., applicants for identification as Mississippi Choctaws, including your decision of January 31, 1903, refusing to identify them as such.

The principal applicant, who is an one-half blood Choctaw was born in 1880 at Durant, Attala County, Mississippi. He obtained his Choctaw blood from his father, Henry Shucubbe, who was a full-blood Choctaw. The latter was born in 1862, and lived in Neshoba County, Mississippi. The said Henry Shucubbe was the son of Sam Shucubbe, alias Ah-ke-mo-tah by his Indian wife, Sallie. Both of them were full blood Choctaws, and resided in Neshoba County, Mississippi. The parents of Sam Shucubbe were Tish-o-cubbe, and Ah-chi-ah, both of whom were full blood Choctaws. They were born about 1812.

Your said decision reads in part as follows:

"It further appears that persons bearing the names Ahohiah, Ahoheah, Ahohoah, Ahohia, Achia, Salla, Sally and Sallie received scrip as beneficiaries under the provisions of article fourteen of said treaty."

Reporting in the matter March 10, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

Considering the fact that there were certain persons who were beneficiaries under the 14th article of the treaty of September 27, 1830, having the same names as the ancestors of the parties in interest in this case, it is believed that the applicants should be allowed further opportunity to present additional testimony in support of their claims. In so advising them it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R. 4964).

The case is remanded to you for appropriate action in accordance with the instructions herein contained.

The record is returned, together with the copy of the Acting Commissioner's letter.

Respectfully,

THOS. RYAN,

Acting Secretary.

2 inclosures

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11794-1903.

C U - 22
Department of the Interior,
Office of Indian Affairs,
Washington, March 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application of John H. Shucubbee for the identification of himself and his minor child, Ezekiel, as Mississippi Choctaws. A decision rejecting the application was rendered by the Commission on January 31, 1903.

The testimony adduced before the Commission shows that the applicants claim identification through descent from Tish-ecubbee and Ahohiah and Sallie (or Sallie Shucubbee), all of whom are alleged to have been full blood Choctaw Indians.

The Commission states that it appears from its records that the name of Ahohia is found on page 568 of the record in the case of the Choctaw Nation vs. United States (No. 12742), and that the name Ahohiah is found on pages 379, 383, 557 and 689 of said record; that persons bearing the names Ahohiah, Ahohoa, Ahohoah, Ahohia, Achia, Salla, Sally and Sallie received scrip as beneficiaries under article 14 of the treaty of 1830, and that the name of Ahohia is found on the list of those entitled to benefits under article 19 of said treaty. The Commission holds, however, that there is nothing in the testimony of the applicants that tends to show that the ancestors through whom they claim, whose names are similar to the names mentioned in the above records are identical with any one

of said persons, and that the finding of the name of Aohia on the list of those claiming under the 19th article, in no way relates to nor shows a compliance or attempted compliance with the provisions of article 14 of said treaty.

The Commission bases its decision rejecting the applicants on the ground that its records do not show that Tishcubbee and Ahahiah and Sallie (or Sallie Shucubee) or any ancestor less remote, ever complied with or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

An examination of the records of this office shows that the name of Tishcubbee does not appear in the list of those who complied or attempted to comply with the provisions of the 14th article of said treaty, but such records do show the name of Tish-o-cubbee among those Choctaw Indians who were transported west by the government in 1832 and 1833.

If the Tish-o-cubbee who removed west was the same Tish-cubbee from whom the applicants claim Choctaw descent, he was prevented by such removal from complying or attempting to comply with article 14.

As to the other ancestors from whom the applicants claim descent as Choctaws, this office concurs in the finding of the Commission that there is nothing in the testimony of the applicants by which they can be identified with persons having similar names who are shown by the records of the Commission and of this Office to have complied or attempted to comply with article 14 of the treaty of 1830.

-3-

It is accordingly recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

EGD. A.C. Tomner,

Actg. Commissioner.

E.E.F. (8)

Muskogee, Indian Territory, May 16, 1903.

John H. Shucubbee,

Durant, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 7, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor child as Mississippi Choctaws, with instructions that you be allowed further opportunity to introduce additional testimony and evidence in support of your claim.

The record in this case shows that you claim Choctaw descent from Tishocubbee and Ahchiah and Sallis (or Sallie Shucubbee), all of whom are alleged to have been full blood Choctaws.

The Secretary of the Interior in his letter states:

"Considering the fact that there were certain persons who were beneficiaries under the 14th article of the treaty of September 27, 1830, having the same names as the ancestors of the parties in interest in this case, it is believed that the applicants should be allowed further opportunity to present additional testimony in support of their claims."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

J H S 2

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

J H S S

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of June 15, 1903, hear the testimony of such witnesses as may appear in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep

Registered

Muskogee, Indian Territory, May 16, 1903.

Mansfield, McKimray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 7, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by John H. Shuoubbee for the identification of himself and minor child as Mississippi Choctaws, with instructions that the principal applicant be allowed further opportunity to introduce additional testimony and evidence in support of his claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 15, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 16, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of John H. Shucubbee, et al., together with its decision of January 31, 1903, refusing the application made by John H. Shucubbee for the identification of himself and his minor child as Mississippi Choctaws.

With departmental letter of May 7, 1903, (I T D 2744-1903) the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional testimony and evidence.

In accordance therewith the Commission on May 16, 1903, notified the principal applicant, John H. Shucubbee, that he would be allowed up to and inclusive of June 15, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and child as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On account of the work of the Commission being suspended on June 3, 1903, the record in said case was held until July 16,

1903, in order that the principal applicant might introduce additional testimony if he so desired.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered, the original record in said case, together with copies of notices furnished the principal applicant and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

MCM 97

D.C. 30239-1903.

(COPY)

J.W.H. FHE

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 2744-1903.

6504- "

L.R.S.

October 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

With your report of July 16, 1903, you resubmitted the case involving the application for identification as Mississippi Choctaws of John H. Shucubbee for himself and his minor child, Ezekiel Shucubbee, which was remanded to you with departmental letter of May 7, 1903, with instructions to allow the applicants to furnish additional testimony in support of their claims.

It seems that the principal applicant was born in 1880 at Durant, Attala county, Mississippi. He obtained his Choctaw blood from his father, Henry Shucubbee, who was a full blood Choctaw. The latter was born in 1862, and lived in Neshoba County, Mississippi. Henry Shucubbee was the son of Sam Shucubbee, alias Ah-ko-metah by his Indian wife, Sallie. Both of them were full blood Choctaws and resided in Neshoba County, Mississippi. The parents of Sam Shucubbee were Tish-o-cubbe, and Ah-ohi-ah, both of whom were full blood Choctaws. They were born about 1812. ✓

From the records of the Department it appears that there were a number of persons bearing the names of Ahchiah, Ahcheah, Ahchoah, Ahchia, Achia, Salla, Sally and Sallie, who received scrip as beneficiaries under the provisions of article 14 of the treaty of September 27, 1830. The case was therefore remanded to you in order that the applicants might have an opportunity to show that some one of their ancestors was identical in person with one of the beneficiaries referred to above.

You report that you notified the applicants in accordance with departmental instructions, but that they have failed to appear, in person or otherwise, in support of their claims, or to present additional testimony in connection therewith.

Reporting in the matter August 28, 1903, the Commissioner of Indian Affairs recommended that your action of January 31, 1903, rejecting the applicants, be approved. A copy of his letter is inclosed.

The Department concurs in his recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to the following:

Land.
45191-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 28, 1903.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, letter from the Commission to the Five Civilized Tribes of the 15th ultimo, forwarding record in the Mississippi Choctaw case of John H. Shucubbee et al. wherein, with Departmental letter of May 7, 1903, (I.T.D. 2744-1903), the record in the case was remanded in order that the principal applicant might be granted an opportunity to introduce additional evidence.

In accordance with the instructions of the Department, the Commission on May 16, 1903, notified the principal applicant, John H. Shucubbee, that he would be allowed up to and inclusive of June 15, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and child as Mississippi Choctaws, and on the same date notice to the same effect was furnished the Attorneys for the Choctaw and Chickasaw Nations.

On account of the work of the Commission being suspended

on June 3, 1903, the record in this case was held until July 15, 1903, in order that the principal applicant might introduce additional testimony if he so desired.

No appearance having been entered by or in behalf of the applicant and no additional testimony having been offered, the original record in the case, together with copies of notices furnished the principal applicant and the Attorneys for the Choctaw and Chickasaw Nations, is transmitted by the Commission for Departmental action.

The record in this case shows that John H. Shucubbee traces his Choctaw ancestors through his father, Henry Shucubbe, a full-blood Choctaw, a resident of Mississippi, from Sam Shucubbee alias Ah-ke-me-tah, and his wife Sallie. The parents of Sam Shucubbee were Tish-e-cubbe and Ah-chi-ah, both of whom were full-blood Choctaws. The case was remanded for the purpose of giving an opportunity to the applicant to furnish evidence of his descent from one or more of the persons who were beneficiaries under the provisions of the 14th Article of the Choctaw Treaty as shown by the records in this office, whose names were similar to the names given as his ancestors.

The record as furnished originally did not justify a holding that the applicants were actually descendants from any of these beneficiaries under the Provisions of the 14th Article of the Choctaw Treaty.

After having been given ample opportunity to submit additional evidence tending to more fully establish his claim to identification, and having failed to take advantage of this opportunity, it is evident that the decision of the Commission in this case, rejecting the applicant, should be approved, and I so recommend.

Very respectfully,

W. A. Jones

Commissioner.

MBH/LKS.

COPY.

M.O.R. 5329.

Muskogee, Indian Territory, November 5, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 28th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the case of John H. Shucubbee, et al., of which decision you were advised on the 31st day of January, 1903.

Respectfully,

(SIGNED)

Tamc Dickey.

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

10008.
REFER IN REPLY TO THE FOLLOWING

M.C.R. 5329.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 5, 1903.

John H. Shucubbee,

Durant, Mississippi,

Dear Sir:

You are hereby notified that on the 28th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of John H. Shucubbee, et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,


Chairman.

No

5729

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 18 1890

Date

Name

John H. Shucubbee

Age

22

Blond

1/2

Post Office,

Durant, Miss.

Father:

Henry Shucubbee, d.

Mother:

Nichol Holmes &

Claims through father.

wife

Phemie Shucubbee, &

no claim for wife

Children:

Ezekiel Shucubbee

Stenographer

J. A. Niles.

5329

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 12, 1903

[Handwritten signature]

CHAIRMAN.



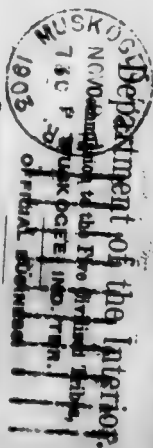
General Office

W.C.R.

Advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification as a Mississippi Choctaw.

John H. Shucubbee,

Tarrant, Mississippi.





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JUL 7 1903

DURANT, MISS.

Department of the Interior.

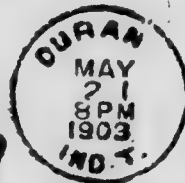
Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



MUSKOCHEE
IND. T.



John R. Shucabbe,

UNCLAIMED: Durant, Mississippi

Reg No 371

REGISTERED NO 1

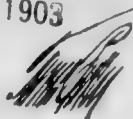
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 17 1903



CHAIRMAN

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John H. Shucubbee,

Durant, Mississippi.

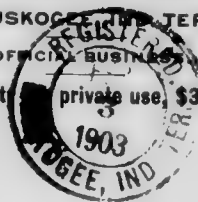
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE INDIAN TERR.

OFFICIAL BUSINESS

Penalty for private use, \$300.



OK

Choctaw MCR 5330

Lottie Banks

MCR 5330

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Lottie Banks, et al.,
for identification as Mississippi Choctaws, M. C. R. 5330.

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
Lottie Banks, et al.,

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Page.

Original application of Lottie Banks, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Testimony of Jackson Turner, in behalf of applicants,.....	4
Final decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws, in the case of Lottie Banks, et al.,	9

-----0-----

5330

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of Lottie Banks for the identification of herself and three minor children, Louisa M., John W., and Susie M. Banks, as Mississippi Choctaws.

Said Lottie Banks, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Lottie Banks.
- Q How old are you? A Twenty-five.
- Q How much Choctaw blood have you? A One quarter.
- Q What's your postoffice address? A Raymond, Mississippi.
- Q What County? A Hinds County.
- Q How long have you lived in Hinds County? A I was born and raised there.
- Q Is your father living? A No sir, I don't know anything about him.
- Q Do you know what his name was? A His name was John Smith. He was a white man.
- Q Did he have any Choctaw blood? A No sir, he didn't.
- Q Is your mother living? A No sir.
- Q What was her name? A Margaret.
- Q How much Choctaw blood did your mother have? A She was half--her grandmother was a full blood Choctaw.
- Q How old would your mother be if she were living now? A She would be sixty some odd years.
- Q Was she a slave? A Yes sir.
- Q Did she live here in Mississippi all her life? A Yes sir.
- Q Did she speak the Choctaw language? A Not that I know of--I don't remember.
- Q Through which one of her parents did she get her Choctaw blood--her mother or father? A Her mother.
- Q What was your mother's mother's name? A Puss.
- Q Was Puss a slave? A No sir.
- Q How much Choctaw blood did Puss have? A She was full blood Choctaw.
- Q She was your mother's mother? A Yes sir.
- Q And you are sure she was a full blood Choctaw, are you? A Yes sir, I heard my mother say so.
- Q Did Puss have any other name? A Not that I know of.
- Q You don't know anything about her except that your mother told you she was a full blood Choctaw? A Yes sir, that's all.
- Q Did she live here in this State all her life? A My mother did--I don't know about my grandmother.
- Q When did Puss die? A I don't know, sir--before I was born, I think.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A George Banks.
- Q He has no Choctaw blood? A No sir.
- Q You make no application for him? A No sir.

Lettie Banks et al--2

- Q Have you any children living? A Three.
Q What are their names and ages? A Louisa M.
Q How old is she? A Twelve.
Q Next one? A John W.
Q How old? A Ten years old.
Q Next one? A Eight years old.
Q What's the name? A Susie M.
Q Are these three children living with you now? A Yes sir.
Q Are they all three the children of yourself and George Banks?
A Yes sir.
Q This application, then, is for yourself and three minor children,
is that right? A Yes sir.
Q Has any application of any description ever been made before
today for you or anyone of these children for the purpose of
establishing your rights as Choctaw Indians? A Not that I know of.
Q You never made any application yourself? A No sir.
Q And have never authorized anyone else to make any? A No sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory for
yourself and three minor children under article 14 of the treaty of
Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with
its provisions or ever receive any benefits under that article?
A No sir.
Q Do you know whether they did or not? A No sir, not that I know
of.
Q Did any of them own an improvement here in the old Choctaw Nation
in Mississippi and Alabama in the year 1830 when this treaty was
made? A No sir.
Q Did any of them remove to the present Choctaw Nation in Indian
Territory at the time of the removal of the greater portion of the
Choctaw Tribe of Indians between the years 1833 and 1838? A Not
that I know of.
Q Did any of them within six months after the treaty of Dancing
Rabbit Creek was ratified let the Agent of the Government here in
Mississippi, for the Choctaws, know that they wanted to stay here
and become citizens of the States and take land? A Not that I know
of.
Q Did any of them ever claim or receive any land here in Mississip-
pi from the Government of the United States under the 14th article
of the treaty of Dancing Rabbit Creek? A No sir.
Q You are sure of that, are you? A Yes sir.
Q Did any of them ever get any land or money here in Mississippi
from the Government? A No sir.

In accordance with the provisions of the 14th article of
the treaty of Dancing Rabbit Creek the Government of the
United States directed an Agent here in Mississippi to
register the names of such Choctaws as might desire to
remain here and become citizens of the States and take
land under that 14th article. The records of the Govern-
ment show this this Agent failed to register and report to
the Government the names of many Choctaws who did in fact
let him know that they wanted to stay here and become citi-
zens of the States and take land and on this account the

Lottie Banks et al---3

Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1833 and 1838 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that that had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q As far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir, not that I know of.

Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of anyone.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here today? A Yes sir.

Q How many? A One.

Q What's his name? A Jackson Turner.

Q How old is he? A About seventy.

Q What do you expect to prove by him? A That my mother's mother was an Indian.

Q Is that all? A Yes sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Did you ever have any brothers? A Yes sir.
- Q Are any of them living now? A No sir.
- Q Did any of them leave children? A No sir.
- Q Did you ever have any sisters? A Yes sir--they're all dead.
- Q Did any of them leave children? A No sir, they all died small.
- Q Did your mother ever have any brothers? A Not that I know of.
- Q Did she ever have any sisters? A One sister.
- Q Is she living? A No sir, she's dead.
- Q Did she leave any children? A One son.
- Q Is he living now? A Yes sir.
- Q What's his name? A Burden Baker.
- Q Where does he live? A He lives near Raymond, Mississippi.
- Q Has he been before this Commission? A No sir.
- Q Did your mother's sister leave any other children besides him? A Yes sir, she left one son but he's dead.
- Q Did he leave children? A Yes sir.
- Q How many of his children are living? A Four, I believe.
- Q What are their names? A Sam Baker.
- Q Next one? A Mary Ella.
- Q Is she married? A No sir, little girl.
- Q Next one? A George.
- Q Next one? A Della.
- Q What's their father's name? A Sam Baker.
- Q With whom do these children live at this time? A Their mother.
- Q What's her name? A Lucy Baker.
- Q Has any application ever been made to this Commission for these children? A No sir.
- Q Where does Lucy live? A Near Raymond.
- Q Y u have named now all of the living descendants of your grandmother Puss, have you? A Yes sir.
- Q Did your mother speak the Choctaw language? A No sir, not that I know of.
- Q You can't speak it? A No sir.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood--her hair is black and perfectly straight--features and facial expression are those of a negro--does not speak or understand the Choctaw language.

Jackson Turner, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Jackson Turner.
- Q How old are you? A Seventy-six--going on seventy-seven.

Lottie Banks et al---5

- Q What's your postoffice address? A Raymond.
Q Hinds County, Mississippi? A Yes sir.
Q How long have you lived in Hinds County? A I've been living there off and on about forty years.
Q Where did you live before that? A I lived in Alabama.
Q What part? A Green County--I was bred and born there.
Q You were a slave weren't you? A Yes sir.
Q You have no Choctaw blood? A I don't claim it.
Q What's your occupation? A Farming.
Q Are you acquainted with the applicant Lottie Banks? A Yes sir.
Q How long have you known her? A About 25 years--I've known her since the emancipation.
Q She wasn't living at the time the slaves were emancipated, was she? A No sir.
Q How long after that was she born? A I don't know.
Q How large was she when you first knew her? A She was a good size girl.
Q Are you any kin to her? A By African race I reckon.
Q Are you interested in any way in the result of her application? A No sir.
Q Were you acquainted with her parents? A Yes sir.
Q Who is her father? A I am acquainted with her mother--I don't know her father.
Q What was her mother's name? A Margaret.
Q Was she a slave? A No sir, not as I know of.
Q When did you first become acquainted with Margaret? A About '56 or '58.
Q Where did you know her then? A Up here by Macon, Mississippi.
Q Did she have any Choctaw blood? A Her grandmother was Indian--she was in the Indian Tribe.
Q Her grandmother? A Margaret's mother was.
Q Do you know where Margaret was born? A No sir.
Q Was she older or younger than you? A I don't know which.
Q About the same age? A I reckon so.
Q According to your statement she was a half blood Choctaw? A Yes sir.
Q Did you know Margaret's mother? A Yes sir.
Q What was her name? A Sophia.
Q Is that all the name she had? A Yes sir.
Q You claim she was a full blood Choctaw, do you? A Yes sir, she was--she was making baskets among the other Indians.
Q Where? A Up here at Macon, Mississippi. I used to work on the Mobile and Ohio Railroad and there's where I got acquainted with her.
Q About when? A About '56 or '57, somewhere along there.
Q She was a full blood Choctaw woman? A Yes sir.
Q How old was Margaret when you first got acquainted with her mother? A I don't know how old she was--she was a good large girl.
Q Do you know where her mother had lived prior to your meeting her? A No sir, when I found her out she was living in Mississippi.
Q You don't know where she lived before you met her up there? A No sir.
Q About how old a woman was Margaret's mother in '56 when you first met her? A I reckon she was--I don't know how old she was but I knew she was grown. I reckon she was older than I was.
Q Do you know the name of her father? A No sir.

Q Or her mother? A No sir.

Q Did you ever hear of this woman being called Puss? A No sir, never did. I said Sophia. That's all the names I ever heard.

Q You have been before the Commission heretofore as a witness in behalf of applicants, have you not? A Yes sir.

Q Whose cases did you testify in when you were here before? A John C. Bryant.

Q You underst and the 14th article of the treaty of Dancing Rabbit Creek, don't you? A I don't know as I do.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new nation might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of the ancestors of this applicant, Lottie Banks, ever complied or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I never heard them say.

Q You don't know, then? A No, I don't know anything about it.

Lottie Banks et al---7

Q Did any of her Choctaw ancestors live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I reckon they did-I seed a good many of them.

Q Did you see them in 1830-72 years ago? A I don't know about her kin people then. I know I seen Indians but I don't know about her people.

Q Did any of her kin folks own an improvement here at the time this treaty was made? A Not that I know of.

Q Do you know whether any of her Choctaw ancestors moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was made let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir, I don't know.

Q Do you know whether any of her ancestors ever received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did you ever hear of any of her ancestors ever having gotten any land from the Government? A No sir.

Q Or any money? A No sir, never heard it.

In accordance with the provisions of this 14th article of the Treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land, under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Do you know whether any of the ancestors of this applicant appeared before any of these Commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Lottie Banks et al---8

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be entitled to a certificate to that effect. These certificates were called scrip.

Q Do you know whether any of the ancestors of this applicant ever received any scrip from the Government under this act of Congress?
A No sir, I never heard anything about it.

Q Is there anything further you want to say in connection with this application? A No sir.

Applicant recalled.

Q Is there anything further you want this witness asked? A No sir.

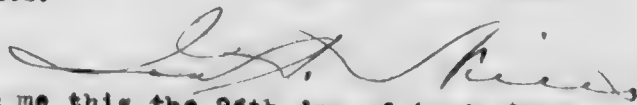
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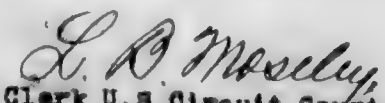
The witness is a negro of average intelligence.

Q In your statement testimony you stated that your mother's mother's name was Puss? A That's what I heard my mother call her.

Q You never heard her called Sophia, did you? A No sir.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 26th day of April, 1902, at Meridian, Mississippi.


Clerk U.S. Circuit Court, Southern District of Mississippi.

By 

Deputy.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lottie Banks, et al.,
for identification as Mississippi Choctaws, M. G. R. 5330.

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--1 D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Lottie Banks for herself and her three minor children, Louisa M., John W. and Susie M. Banks, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Pass (or Sophia) who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession

sion of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Puss (or Sophia), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lettie Banks, Louisa M. Banks, John W. Banks and Susie M. Banks as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as

3.

such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamie Birby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

DEC 6 1902

COPY.

Muskogee, Indian Territory, December 6, 1902.

Lottie Banks,

Raymond, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lottie Banks, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lottie Banks, Louisa M. Banks, John W. Banks and Susie M. Banks as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Lottie Banks — 2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

COP-

Muskogee,, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lottie Banks, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lottie Banks, Louisa M. Banks, John W. Banks and Susie M. Banks as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tenne Dixby.

Acting chairman.

COPY

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lottie Banks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Jane Rixey.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 5330.

C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS,

76183- 1902

Washington, February 27, 1903

The Honorable

The Secretary of the Interior

Sir:

There is transmitted, herewith, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Lottie Banks, for herself and her three minor children, Louisa M. John W. and Susie M. Banks, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from Puss (or Sophia), who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830, through Margaret Smith, her daughter.

The Commission rejected the applicants December 6, 1902, because the name of the ancestor through whom they claim does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830; and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Puss (or Sophia) and Margaret Smith, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of the said treaty of 1830; neither does it appear that they applied to the Commissions appointed under acts of March 3, 1825 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner

C. T. C. (E)

C O P Y

DEPARTMENT OF THE INTERIOR

PHH

D. C. 8588

WASHINGTON

I T D

2304- 1903

March 25, 1903

L.R.S.

Commission to the Five Civilized Tribes

Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Lottie Banks (M.C R 5330), for herself and her three minor children, Louisa M., John W. and Susie M. Banks, including your decision of December 6, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Puss (or Sophia) who is alleged to have been a full blood Choctaw Indian.

The records fail to show that these applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with article 14 of said treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

1 inclosure.

M.C.R. 5330.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lottie Banks, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

Tamm
Chairman.

M.C.R. 5330.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Lottie Banks,

Raymond, Mississippi.

Dear Madam:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lottie Banks, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tams E. Eddy
Chairman.

20

No.

5236

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 18 1902

Name

Lottie Banks

Age

25

Blood

1/4

Post Office,

Raymond, Miss.

Father:

John Smith

d

Mother:

Margaret "

d

Claims through husband

Mother

George Banks

d

No claim for husband.

Children:

Louisa M. Banks

12

John M. "

10

Susie M. "

8

mother's - mother -

Best

d

Stenographer

J. A. Files

Choctaw MCR 5331

Jacob Krebs

MCR 5331

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

**In the matter of the application of Jacob Krebs, et al.,
for identification as Mississippi Choctaws, M. C. R. 5331.**

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I N D E X
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List of papers forwarded to the Secretary of the Interior, comprising
the record in the case of Jacob Krebs, et al., M.C.R. 5331.**

	Page
Original application of Jacob Krebs, et al., to the Bates Commission for identification as Mississippi Choctaws, -----	1
Ex parte affidavit of H. J. Reagan, -----	6
Ex parte affidavit of James Veir, -----	7
Decision of the Commission refusing the application of Jacob Krebs, et al., for identification as Mississippi Choctaws, -----	8

5231

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of Jacob Krebbs for the identification of himself and ten minor children, Julia, Birdie, Raymond, James, Sanford, Roxanna, Florence, Ollie, Elijah and Callie, as Mississippi Choctaws.

Said Jacob Krebbs, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Jacob Krebbs.
- Q How old are you? A I don't know exactly but some where about forty-five.
- Q How much Choctaw blood have you? A I have a quarter, I guess.
- Q What's your postoffice address? A Weir.
- Q What County? A Choctaw County.
- Q How long have you lived in Choctaw County, Mississippi? A All my life.
- Q Is your father living? A No sir.
- Q What was his name? A John Krebbs.
- Q Is your mother living? A No sir.
- Q What was her name? A Julia.
- Q Through which one of your parents did you get your Choctaw blood? A My father.
- Q Was he a slave? A No sir.
- Q Was your mother a slave? A Yes sir.
- Q How much Choctaw blood do you claim your father had? A Half.
- Q How old would he be if he were living now? A He would be I reckon somewhere about sixty or seventy years old.
- Q Where was he born? A Born in Mississippi I reckon--I really don't know where.
- Q Did he live in this State all his life? A Yes sir.
- Q Were he and your mother married? A No sir.
- Q How many children did they have? A I am the only one.
- Q How long did they live together or did they live together at all? A They didn't live together at all--she was owned by him.
- Q He was half white and half Choctaw? A He was half French and half Indian.
- Q Do you know the names of his parents? A Yes sir.
- Q What was the name of his father? A Stephen Krebbs.
- Q What was the name of his mother? A Peggy.
- Q Which was it, Peggy or Stephen, that was a Choctaw? A Peggy.
- Q Did you ever see her? A Yes sir.
- Q How long has she been dead? A She died directly after the surrender.
- Q About how old was she when she died? A I really don't know but I think she must have been about fifty or sixty years old.
- Q She was a full blood Choctaw, was she? A Yes sir.
- Q Did she speak or understand the Choctaw language? A Yes sir.
- Q Speak and understand English too? A Yes sir.
- Q Did she live there in Choctaw County all her life? A Yes sir--it was called Winston County, then.
- Q How long has Stephen Krebbs been dead? A He died since the surrender--since she died. I reckon he's been dead maybe thirty years ago.
- Q As far as you know all of your Choctaw ancestors have lived here

in Mississippi, have they? A Yes sir.
Q Are you married? A Yes sir.
Q How many times have you been married? A Twice--I aint married now, my wife's dead.
Q Both wives are dead? A Yes sir.
Q Did either of your wives have Choctaw blood? A No sir.
Q How many children have you living who are under age and unmarried? A Ten.
Q What are their names and ages? A Julia, I expect about fifteen; Birdie, about thirteen or fourteen; Raymond, about twelve; James, about ten; Sanford, about nine.
Q Is that a boy? A Yes sir. Roxanna, seven; Florence, about four, I believe; Ollie, he's somewhere about five; Elijah, about three; Callie, she's two years old.
Q Are all these children living with you at this time? A Yes sir.
Q Is one woman the mother of all these ten? A No sir.
Q How are they divided up? A Nine of them belong to my last wife.
Q What's the name of the mother of these nine? A Mattie.
Q Which one of these ten children has a different mother from Mattie? A Raymond.
Q What was the name of Raymond's mother? A Alice Smith.
Q Had Alice any Choctaw blood? A No sir, not as I know of.
Q Were you ever married to her? A No sir.
Q This is an illegitimate child then? A Yes sir.
Q It was born while your wife Mattie was living and you were married to her? A Yes sir.
Q Does this child live with you? A Yes sir.
Q How long has it lived with you? A Ever since it was weaned.
Q How do you know that is your child? A I don't know no more than what his mother says.
Q These ten children that you apply for are all living at this time? A Yes sir.
Q This application is for yourself and ten minor children? A Yes sir.
Q Were you married to Mattie, the mother of nine of these children? A Yes sir.
Q Have you your marriage license and certificate with you at this time? A No sir.
Q Where were you married to her? A In Choctaw County.
Q Who married you? A Tompse Townsend, he used to be Mayor of Weir.
Q What official position did he hold at the time he performed the marriage ceremony? A He was the Mayor.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Mattie, for use in connection with the application you make in behalf of nine of your minor children. This evidence should be furnished within thirty days from this date.

Q Has any application of any description ever been made before today for you or anyone of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and ten minor children under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir.

Q You heard it explained several times by the Commission? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A Not that I really know of--there's some out there but I don't know what they done.

Q Out where? A In Indian Territory.

Q Did any of them ever do as that 14th article required them to do? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made to your knowledge? A Not as I know of.

Q Did any of them live here at that time, to your knowledge? A I don't know.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not that I knows of--I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear of any of your Choctaw ancestors ever having received any land here in Mississippi from the Government? A Not as I know of.

Q Or any money? A No sir, not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the

appointment of Commissioners to come down here to Mississippi and hear the cases of Cheetaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Cheetaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Cheetaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A Not that I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I don't know of any one.

Q Do you know of any written evidence, of any description, which would prove or tend to prove such a state of facts - any deeds, patents, or papers of any kind? A No, sir.

Q Have you any written evidence of any kind to offer at this time - any papers of any kind? A No, sir.

Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make in support of your application? A No, sir.

Q Have you any children living who are of age or married? A Yes, sir.

Q How many? A Five.

John Krebbs et al--5

Q What are their names? A John Krebbs.
Q Next one? A Stephen Krebbs.
Q Next one? A Peter Krebbs.
Q Next one? A Early Potts.
Q Next one? A Lissie Miller.
Q Has any application of any kind ever been made for either of them? A No sir, not as I knows of.
Q Have you any children dead who left children? A No sir.
Q Have you any brothers living? A No sir, not as I knows of.
Q Did you ever have any brothers? A No sir, none by my mammy--my daddy's got one son--he's in the Territory.
Q What's his name? A John William Krebbs.
Q Have you any other half brothers living? A No sir.
Q Have you any half sisters living? A No sir, not as I knows of.
Q Have you any half brothers or half sisters dead who left children? A Not as I knows of.
Q Has your father any brothers or sisters living? A None here--they're in the Territory--there's two of them living.
Q Two of his brothers or sisters? A Sisters.
Q What are their names? A Caroline.
Q Caroline what? A I don't know who she married. She married since she left here.
Q Next one? A Nancy.
Q Who did she marry? A I don't know, sir.
Q When did your father's sisters go out there to the Territory? A I don't know, sir--they went, though, since the surrender.
Q Are they recognized members of the Choctaw Tribe out there? A I reckon so--I don't know.

The applicant has the appearance of being possessed of a mixture of Negro and either white or Indian blood--his hair is black and perfectly straight--facial expression is that of a negro. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 28th day of April, 1902, at Meridian, Mississippi.

L. B. Maslin
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jacob Krebs, et al.,
for identification as Mississippi Choctaws, M. C. R. 5331.

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--: D E C I S I O N :--

It appears from the record herein that application
for identification as Mississippi Choctaws was made to this Com-
mission by Jacob Krebs for himself and his ten minor children,
Julia, Birdie, Raymond, James, Sanford, Roxanna, Ollie, Florence,
Elijah and Callie Krebs, under the following provision of the
act of Congress approved June 22, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses, and perform all other acts necessary there-
to and make report to the Secretary of the Interior."

It also appears that all of said applicants claim
rights in the Choctaw lands under article fourteen of the
treaty between the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty, by reason

of being descendants of Peggy Krebs, who is alleged to have been a full blood Cheetaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Peggy Krebs signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jacob Krebs, Julia Krebs, Birdie Krebs, Raymond Krebs, James

Krebs, Sanford Krebs, Roxanna Krebs, Ollie Krebs, Florence Krebs, Elijah Krebs and Callie Krebs as Cheataw Indians entitled to rights in the Cheataw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 19 1902

Miss. Choctaw 5831
Miss. Choctaw 9870 532

Muskogee, Indian Territory, May 26, 1902.

G. F. Black,

Ackerman, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, inclosing the following papers to be filed in support of applications for identification as Mississippi Choctaws:

Affidavits of Vilet Ashford and John Gordon, offered in support of the application of S. H. Jones, et al.

Affidavits of H. J. Ragon and James Weir, offered in support of the application of Jake Krebs, et al.

The same have been filed with the records in the above named cases, and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 19, 1902.

Jacob Krebs,

Weir, Mississippi.

Dear Sir:

You are hereby advised that on the 19th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jacob Krebs, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jacob Krebs, Julia Krebs, Birdie Krebs, Raymond Krebs, James Krebs, Sanford Krebs, Roxanna Krebs, Ollie Krebs, Florence Krebs, Elijah Krebs and Callie Krebs as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Jacob Krebbs, —2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jacob Krebs, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jacob Krebs, Julia Krebs, Birdie Krebs, Raymond Krebs, James Krebs, Sanford Krebs, Roxanna Krebs, Ollie Krebs, Florence Krebs, Elijah Krebs and Callie Krebs as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixie.

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jacob Krebs, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 19, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 1851

Land
1718--1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Jacob Krebs for the identification of himself and his ten minor children, Julia, Birdie, Raymond, James, Sanford, Roxanna, Ollie, Florence, Elijah and Callie Krebs, as Mississippi Choctaws.

On December 19, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article fourteen of the treaty of 1830, and that their application for such identification should be refused.

An examination of the record evidence shows that the principal applicant, Jacob Krebs, claims to have inherited his Choctaw blood from his father, John Krebs, and through him from his grandfather, Peggy Krebs; but neither the record evidence nor an exa-

-2-

mination of the records of this office shows that any person by the name of John Krebs or Peggy Krebs ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or secured a patent for land thereunder.

By reason of the premises the office considers said decision of the Commission correct and recommends that the same be affirmed by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B.(S)

D.C.10471-1903.
ITD.3212-1903.
IRS.

(Copy)

EAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 5, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Jacob Krebs and his minor children, Julia, Birdie, Raymond, James, Sanford, Roxanna, Ollie, Florence, Elijah and Callie Krebs, including your decision of December 19, 1902, refusing the application.

The applicants claim to derive their Choctaw blood from Peggy Krebs, alleged to have been a full blood Choctaw Indian and the grandmother of the principal applicant herein.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Peggy Krebs complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

Reporting March 23, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed herewith.

-2-

The Department has carefully considered the whole case, and hereby affirms the decision rendered.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

1 inclosure.

M.C.R. 5331

Muskogee, Indian Territory, April 23, 1903.

Jacob Krebbs,
Weir, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jacob Krebbs, et al., of which decision you were advised by registered mail on the 19th day of December, 1902.

Respectfully,

Tams Dixby
Chairman.

M.C.R. 5331

COPY

Muskegee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jacob Krebs, et al., of which decision you were advised by mail on the 19th day of December, 1902.

Respectfully,

Tams Dixby
Chairman.

MUR-5351

Muskogee, Indian Territory, September 29, 1906.

C. C. McGarty,

Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter, without date, in which you state that the children of Charles W. Krebs have heretofore been denied identification as Mississippi Choctaws, and request that a new hearing be given them in order that they may establish their rights.

In reply to your letter you are informed that the only persons by the name of Krebs who appear upon the records of this office as Mississippi Choctaw applicants are Jacob Krebs and his ten minor children, Julia, Birdie, Raymond, James, Sanford, Roxanna, Ollie, Florence, Elijah and Callie Krebs, for whom application for identification as Mississippi Choctaws was made at Meridian, Mississippi, April 18, 1902. Jacob Krebs, who submitted the application at that time, stated that his father's name was John Krebs and his mother was named Julia.

December 19, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application of Jacob Krebs et al. for identification as Mississippi Choctaws, and this

C. C. McG - - - (2)

action was affirmed by the Secretary of the Interior April 10, 1903.

Inasmuch as it does not appear that there is any motion for review or reconsideration of this case now pending the Department's decision, above referred to, is considered final.

The time within which motions for rehearing or review in Mississippi Choctaw cases, under the Act of Congress approved April 26, 1906 (34 Stats., 137), could be received expired July 25, 1906.

Respectfully,

Commissioner.

2071

No. 5031

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 18 1902

Name

Julia Krebbe

Age

45

Blood

1/4

Post Office,

Weir, Miss.

Father:

John Krebbe

Mother:

Julia

Claims through father

Children:

Julia

Age 6

F

15

Birdie

"

F

13

Raymond

"

M

12

James

"

"

10

Sanford

"

"

9

Roxanna

"

F

7

Florence

"

"

4

Ollie

"

M

5

Elyah

"

"

3

Callie

"

"

2

Mintha

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1

John

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1

William

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1

Robert

"

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1

Charles

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1

Thomas

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1

George

"

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1

Edward

"

"

1

John

"

"

1

William

"

"

1

Robert

"

"

1

J. A. Hiles

Choctaw MCR 5332

Stanley H. Jones

MCR 5332

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

In the matter of the application of Stanley H. Jones, et
al., for identification as Mississippi Choctaws, M. C. R. 5322.

----- INDEX -----

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533v

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 18th, 1902.

In the matter of the application of Stanley H. Jones for the identification of himself and six minor children, Willie, Priscilla, Estel, Julia, Omata and Louvinia, as Mississippi Choctaws.

Said Stanley H. Jones, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Stanley H. Jones.
Q How old are you? A Thirty-nine.
Q How much Choctaw blood have you? A Quafter I guess.
Q What's your postoffice address? A Spay.
Q What County? A Choctaw County.
Q How long have you lived in Choctaw County, Mississippi? A I've been there since I was four or five years old.
Q Where did you live before that? A Pickens County.
Q Were you born there? A Yes sir.
Q Is your father living? A I don't know, sir.
Q What was his name? A They said his name was Tom Jones.
Q Did he have any Choctaw blood? A I don't know, sir.
Q Is your mother living? A No sir.
Q What was her name? A Priscilla.
Q Was she a slave? A Yes sir.
Q How much Choctaw blood did Priscilla have? A Half.
Q How long has she been dead? A She's been dead--she died in '88.
Q How old was she when she died? A About sixty I reckon.
Q Where was she born? A Born at Louisville.
Q What State? A This State--Winston County.
Q How long did she live in this State? A She went to Alabama a girl and moved back here just after the war.
Q And lived here until she died? A Yes sir.
Q Did she speak the Choctaw language? A I don't know, sir.
Q Do you know the name of her father or mother? A Yes sir, Sam.
Q Sam what? A I don't know what it was--I think it was Hutchinson.
Q Did he have any Choctaw blood? A Yes sir.
Q How much? A I don't know how much.
Q Did your mother's mother have any Choctaw blood? A I don't know, sir--she said her father had Choctaw blood.
Q She never did tell you how much Choctaw blood he had? A No sir, she just made mention of his features.
Q How do you know, then, that your mother was a half blood Choctaw? A That's what she said and others too.
Q Was her mother a slave? A I don't know, sir.
Q Was your mother's father a slave? A I don't know.
Q Did you ever see your mother's father? A No sir, she said she was taken away from her father and mother when she was twelve years old.
Q Did her father live in Winston County all his life? A I don't know.
Q Do you know anything about them? A No sir.
Q You don't know whether he was married to your mother's mother, do you? A No sir, I don't know.

- Q Did your mother's mother ever have any brothers or sisters?
A Yes sir-she had some brothers and sisters.
Q Dull brothers and sisters? A I don't know whether they was full or not.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Louisa.
Q She has no Choctaw blood? A Not as I know of.
Q You make no claim for her? A No sir.
Q Have you been married more than once? A No sir, just once.
Q Have you any children living? A Yes sir.
Q How many? A Six.
Q What are their names and ages? A Willie, sixteen; Priscilla, fourteen; Estel, twelve.
Q Boy or girl? A Boy.
Q Next? A Julia, ten; Omata, eight.
Q Boy or girl? A Girl.
Q Next? A Louvinia, six.
Q Is that all of your children? A Yes sir.
Q Are they all the children of yourself and Louisa Jones? A Yes sir.
Q Are they all living at this time? A Yes sir.
Q And with you? A Yes sir.
Q Were you ever married more than once? A No sir, just once.
Q Was Louisa? A No sir.
Q Were you married to Louisa under a license? A Yes sir.
Q When? A In '86.
Q Where? A In Choctaw.
Q Choctaw County, Mississippi? A Yes sir.
Q Lived together ever since? A Yes sir.
Q Have you your license with you at this time? A No sir.
Q Who married you? A Mr. Townsend, Thompson Townsend.
Q What official position did he hold at the time he married you?
A Mayor I reckon, of Weir, Choctaw County.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Louisa for use in connection with the application you make in behalf of your minor children. This should be furnished within thirty days from this date.

- Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these six minor children under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A No sir.
Q Not that you know of? A No sir, not that I knew of.
Q Did any of them ever remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

Stanley H. Jones et al---3

A None as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A None that I know of.

An act of Congress approved the 23rd of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and

Stanley H. Jones et al--4

should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A None that I know of.

Q So far as you know none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q You never heard of any of them ever having gotten any land or money from the Government? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Not as I know of.

Q You don't know of anyone? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A I do not.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here today to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us ~~xxx~~ here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No sir.

Q Have you any children living who are of age? A No sir.

Q Any brothers living? A Yes sir.

Q Full brothers? A No sir, half brothers.

Q Same mother? A Yes sir.

Q How many? A Five.

Q What are their names? A George Jones, Tom Tayler, Jehn Tayler, Sam Tayler, Sid Tayler.

Q All have the same mother as you? A Yes sir.

Q Have any of them been before the Commission? A No sir.

Q Where do they live? A They live in Choctaw.

Q Have you any brothers dead or half brothers dead who left children? A No sir.

Q Have you any sisters or half sisters by the same mother living? A Yes sir, two.

Q What are their names? A Claretta Miller.

Q Next one? A Ellen Miller.

Q Both married? A Yes sir.

Q Have you any sisters or half sisters, by the same mother, dead who left children? A No sir.

Q Are any of your mother's brothers living? A No sir, not as I know of.

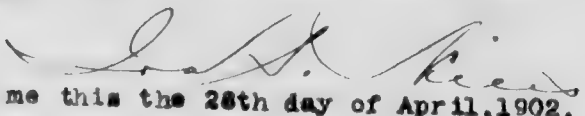
Q Did she ever have a full brother? A Yes, she said she had some brothers.

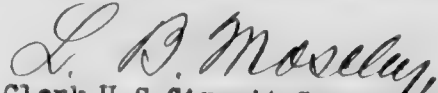
Stanley H. Jones et al--5

- Q By the same father? A Yes sir.
Q Did any of them leave children? A I don't know.
Q Did your mother ever have any sisters or half sisters? A Yes sir.
Q Did any of them leave children? A I don't know.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. His hair is a little bit inclined to be straight--his features and facial expression are those of a negro--he does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 18th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 28th day of April, 1902, at Meridian, Mississippi.


Clerk U.S. Circuit Court, Southern District of Mississippi.

By 

Deputy.

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Curt.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Stanley H. Jones, et al., for identification as Mississippi Choctaws, M.C.R. 5332.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Stanley H. Jones for himself and his six minor children, Willie, Priscilla, Estel, Julia, Omata, and Louvinia Jones, under the following provision of the act of Congress approved June 23, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of one Sam Hutchinson (or Jones), who is alleged to have been a Choctaw Indian (degree of blood not stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. s., 321).

It is found that the name of one Samuel Jones Sr., appears upon page seventy-six, and the name of one Samuel Jones Jr., upon page sixty-eight of Volume 7 American State Papers Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbee's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance, on the part of the persons therein named, with the provision of the fourteenth article of the treaty of "Dancing Rabbit Creek", neither is it shown by the evidence offered by the several applicants herein that the Sam Hutchinson (or Jones), through whom they claim, is the identical Samuel Jones Sr., or Samuel Jones Jr., whose names appear in the record above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sam Hutchinson (or Jones), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Stanley H. Jones, Willie Jones, Priscilla Jones, Estel Jones, Julia Jones, Omata Jones and Louvinia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tamr Kirby.

Acting Chairman.

SIGNED:

I. B. J. J. J. J.

Commissioner.

Muskogee, Indian Territory,

DEC 4 1902

SIGNED:

O. F. Frothingridge.

Commissioner.

Miss. Chocaw 6351
Miss. Chocaw 5878 5332

Muskogee, Indian Territory, May 26, 1902,

G. P. Black,

Ackerman, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21,
inclosing the following papers to be filed in support of applica-
tions for identification as Mississippi Chocaw:

Affidavits of Vilot Ashford and John Gordon, offered in
support of the application of G. H. Jones, et al.

Affidavits of H. J. Ragon and James Weir, offered in sup-
port of the application of Jake Krebs, et al.

The same have been filed with the records in the above
named cases, and will receive consideration in the disposition of
the applications.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 4, 1902.

Stanley H. Jones,

Spay, Mississippi.

Dear Sir:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Stanley H. Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Stanley H. Jones, Willie Jones, Priscilla Jones, Estel Jones, Julia Jones, Omata Jones and Louvinia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Stanley H. Jones - 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Stanley H. Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Stanley H. Jones, Willie Jones, Priscilla Jones, Estel Jones, Julia Jones, Omata Jones and Louvinia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

James S. Gandy
Acting Chairman.

TOP

Muskogee, Indian Territory, December 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Stanley H. Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

10110 10110

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5332

Land
76186-1902

COPY
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

March 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Stanley H. Jones for himself and his six minor children, Willie, Pricilla, Estel, Julia, Ometa and Louvinia Jones, for identification as Mississippi Choctaws claiming rights as such under the provisions of article 14 of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Sam Jones who, it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants December 4, 1902, because they had never been enrolled as citizens of the Choctaw Nation, and for the reason that "the name of one Samuel Jones Sr. appears upon page 76 and the name of one Samuel Jones Jr. on page 68 of Vol. 7 "American State Papers, Public Lands, in a list of names of Choctaw "Indians, heads of families, who resided in Mush-u-la-tubbee's district in the territory occupied by the Choctaw Indians in the States "of Mississippi and Alabama at the date of the making of the treaty

"of Dancing Rabbit Creek, and had lands in cultivation, in exchange
"for which they were to receive stipulated tracts of land in accordance
"with the provisions of the 19th article of said treaty."

An examination has been made of the records of this office in reference to the name of Sam Jones and it is discovered that his name does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, nor does it appear that he applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians.

In view of this, and the fact that the Commission finds the name of Samuel Jones, senior and junior, among the 19th article Indians, it is respectfully recommended that its decision in rejecting the applicants be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

C.T.C. (S)

D.C.10745
ITD.3272-1903.
LRS

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON,

BAF

April 14, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 20, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Stanley H. Jones and his minor children, Willie, Priscilla, Estel, Julia, Omata and Louvinia Jones, including your decision of March 26, 1903, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Sam Hutchinson (or Jones), who is alleged to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Sam Hutchinson (or Jones), or a less remote ancestor of the applicants, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 26, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department has carefully reviewed the whole record and hereby affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure

COPY

M.C.R. 5332.

Muskogee, Indian Territory, April 27, 1903.

Stanley H. Jones,

Osage, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Stanley H. Jones, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY

H.C.R. 5332.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurphy & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Stanley H. Jones, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

SIGNED)

James B. Baker
Chairman.

20721

No.

5832

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 18 1902

Name

Stanley H. Jones

Age

39

Blood

1/4

Post Office,

Spay, Miss.

Father:

Tom Jones

Mother:

Piscilla Jones

Claims through mother.

Wife: Louisa Jones
No claim for wife.

For self ... 6 ...

Children:

Willie Jones (M) 16

Piscilla " 14

Estel " (M) 12

Julia " 10

Ometa " (F) 8

Louvinia " 6

P. S. Riley

Steno-

Choctaw MCR 5333

James Hargrave

See MCR 5339

MCR 5333

5333

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of James Hargrave for
identification as a Mississippi Choctaw.

Appearances:

S.A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

James Hargrave, having been first duly sworn, upon his
oath states as follows:

Examination by the Commission.

- Q What is your name? A James Hargrave.
Q How old are you? A Twenty two.
Q How much Choctaw blood have you? A About one eighth.
Q What's your post office address? A Sibley, Mississippi.
Q What county? A Adams County.
Q How long have you lived in Adams County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Isaiah Hargrave.
Q Have any Choctaw blood? A No, sir.
Q White man? A Yes, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Amanda Hargrave.
Q Did she have any Choctaw blood? A Yes, sir.
Q How much? A About a quarter.
Q What relation are you to Joseph Hargrave who appeared before
the Commission? A Full brother.
Q What was your mother's mother's name? A Sophia.
Q Sophia what? A Ligon.
Q Did she live here in Mississippi all her life? A I suppose she
did.
Q Did your mother? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q This application, then, is for yourself only? A Yes, sir.
Q Has any application of any description ever been made before
today in your behalf for the purpose of establishing your rights
as a Choctaw Indian? A None as I know.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory under
the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing
Rabbit Creek? A Yes, sir.
Q Did any of your ancestors ever comply or attempted to comply
with its provisions, or ever receive any benefits under that arti-
cle? A None that I know of.
Q Did any of them own an improvement here in the old Choctaw
Nation, in Mississippi and Alabama, in the year 1830, when this
treaty was made? A Not as I know of.

James Hargrave, 2.

Q Did any of them live here at that time? A I don't know.

Q Did any of them ~~live~~ remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear of any of your people ever having received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied, in all respects, with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given

James Hargrave, 3.

a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time?

A No, sir.

Q Any witnesses here today? A No one but Ellen Lucas.

Q She is the witness who testified in the case of your Aunt, Malissa Mazique? A Yes, sir.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the features and facial expressions of a white person, and shows no indication of being possessed of Indian blood. His eyes and complexion are light; he does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May, 1902.

R. S. Streit

Charles H. Sawyer

Notary Public.

COPY.

M C R 5333

Muskogee, Indian Territory, February 6, 1903.

James Hargrave,

Sibley, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Mazique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Mazique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Harvey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5353

Muskogee, Indian Territory, May 29, 1903.

James Hargrave,
Sibley, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Manique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

T. D. Needles

Commissioner in Charge.

No. 5833

For Identification as a Mississippi Choctaw

Mexican Miss.
Date

APR 18 1902

Name *Jama Stargrave*

Age *22* Blood *1/8*

Post Office, *Sibley, Miss.*

Father: *Sarah Stargrave d*

Mother: *Manda " d*

Claims through *mother*

Children:

Stenographer

R. S. Sheit

Choctaw MCR 5334

Joseph Hargrave

See MCR 5339

MCR 5334

5330

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of Joseph Hargrave for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.

A. W. Jones, Agent for Applicant.

Joseph Hargrave, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph Hargrave.
Q How old are you? A Twenty five.
Q How much Choctaw blood have you? A About one eighth.
Q What's your post office address? A Sibley, Mississippi.
Q What county? A Adams County.
Q How long have you lived in Adams county? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Isaiah Hargrave.
Q Did he have any Choctaw blood? A No, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Her name was Amanda Hargrave.
Q Did she have any Choctaw blood? A Yes, sir.
Q How much? A About a quarter.
Q You got your Choctaw blood through your mother? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q This application is for yourself only? A Yes, sir.
Q How old would your mother be if she were living now? A About
forty five years old, I guess.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her mother's name? A Sophia Ligon.
Q What was your mother's father's name? A Andrew Ligon.
Q What relation are you to Malissa Mazique? A She is my aunt.
Q She appeared here today? A Yes, sir.
Q Your mother's full sister? A Yes, sir.
Q Do you know who Sophia's mother or father was? A No, sir.
Q Has any application of any description ever been made before
today in your behalf for the purpose of establishing your rights
as a Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands, in Indian Territory, under
article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply
with its provisions, or ever receive any benefits under that arti-
cle? A No, sir.
Q Did any of them own an improvement here in the old Choctaw Nation,

Joseph Hargrave, 2.

in Mississippi and Alabama, in the year 1830, when this treaty was made? A I think not.

Q Did any of them live here at that time to your knowledge? A No - my grand mother lived here.

Q Where did she live seventy two years ago? A Oh! I don't know where she lived then.

Q That was when the treaty was made, seventy two years ago? A I suppose she must have lived somewhere in Mississippi.

Q Do you know where her parents lived at that time? A No, sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek, was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I think not.

Q Did you ever hear of any of your people ever having gotten any land from the Government? A No, sir.

Q Or any money? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't know.

Joseph Hargrave, 3.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here today? A Yes, sir, Ellen Lucas.

Q She has already testified in the case of your aunt, Malissa Mazique? A Yes, sir.

By commission:

Her testimony will be considered in your case.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir.

Q How many brothers have you living? A Two.

Q What are their names? A James and Isaiah; James is here today.

Q Is Isaiah a minor? A Yes, sir.

Q Have you any sisters living? A Yes, sir.

Q How many? A Two.

Q What are their names? A Luella Hamilton and Sophia Hargrave.

Q Is Sophia a minor? A Yes, sir.

Q With whom do these two minors live? A They are at school.

Q Where? A In New Orleans.

(The applicant has the appearance - features and facial expression of a white man; his hair is black and perfectly straight; his eyes and skin are dark; he shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language.)

Joseph Hargrave, 4.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 1st day of May, 1902.

Charles W. Sawyer

Notary Public.

CC

Muskogee, Indian Territory, February 6, 1903.

Joseph Hargrave,

Sibley, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Mazique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Mazique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Hervey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5334

Muskogee, Indian Territory, May 29, 1903.

Joseph Hargrave,

Sibley, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Masique, et al., of which decision you were advised by registered mail on the 15th day of February, 1903.

Respectfully,

(SIGNED)

E. D. Needles

Commissioner in Charge.

No. 5234

For Identification as a Mississippi Choctaw.

Meridian Miss.
Date

APR 15 1891

Name *Wesley Stargrave*

Age *23* Blood $\frac{1}{8}$

Post Office, *Sibley, Miss.*

Father: *John Stargrave*

Mother: *Ann Stargrave* $\frac{1}{4}$ d.

Claims through *Mother*

Children:

Stenographer

W. Stargrave

Choctaw MCR 5335

Robert L. Ligon

See MCR 5339

MCR 5335

53
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of Robert L. Ligon, for the identification of himself and one minor child, Robert L. Ligon Jr., as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Robert L. Ligon, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Robert L. Ligon.
Q How old are you? A Thirty two.
Q How much Choctaw blood have you? A Quarter.
Q What's your post office address? A Sibley, Mississippi.
Q What county? A Adams County.
Q How long have you lived in Adams County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Andrew Ligon.
Q Your mother living? A No, sir.
Q What was her name? A Sophia Ligon.
Q Through which one of your parents did you get your Choctaw blood?
A Mother.
Q What relation are you to Malissa Maxique? A Full brother.
Q Are you married? A Yes, sir.
Q How many times have you been married? A Once.
Q Is your wife living? A Yes, sir.
Q What's her name? A Lydia.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her, then? A No, sir.
Q Have you any children? A One.
Q What's your child's name? A Robert L. Ligon Jr.
Q How old is he? A Seven months.
Q Is he the child of yourself and Lydia Ligon? A Yes, sir.
Q Were you married to Lydia under a license? A Yes, sir.
Q When? A 31st of October, 1900.

A certified copy of the marriage license and certificate of Robert L. Ligon and Lydia H. Barnes, is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

- Q This application is for yourself and one minor child, is that right? A Yes, sir.
Q Has any application of any description ever been made before today for you or this child for the purpose of establishing your rights

Robert L. Ligon, et al., 2.

as Choctaw Indians? A No, sir, not that I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and one minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article, do you? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A No, sir, not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not as I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear of any one of them ever having gotten any land from the Government as Choctaw Indians? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Robert L. Ligon, et al., 3 .

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A Not as I know of.

Q You never heard of any of your people ever having received any benefits whatever as Choctaw Indians? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence here today to offer in your case?

A No, sir.

Q Any witnesses here today whose testimony you desire to have taken in support of your application? A Ellen Lucas, the same woman who testified in the application of my sister, Malissa Mazique.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood; his hair is black and almost straight. He does not speak or understand the Choctaw language.)

R. S. Breit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled

Robert L. Ligon, et al., 4.

cause at Meridian, Mississippi, on the 28th day of April, 1902,
and that the above and foregoing is a full, true and correct
translation of his stenographic notes of said proceedings in said
cause upon said date.

A. S. Street

Subscribed and sworn to before me at Muskogee, Indian Territory,
this *8th* day of May, 1902.

Charles H. Sanger

Notary Public.

COPY

Muskogee, Indian Territory, February 6, 1903.

Robert L. Ligon,
Sibley, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Masique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Masique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

M E L 2

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosale Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Hervey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Registered.

COPY.

M.C.R. 6335

Muskogee, Indian Territory. May 29, 1903.

Robert L. Ligon,

Sibley, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Masique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED).

S. M. Needler
Commissioner in Charge.

#1000

No. 535

For Identification as a Mississippi Choctaw.

Meridian Miss, APR 18 1902

Name Robert L. Ligon

Age 32 Blood 1/4

Post Office, Dillingham, Okla.

Father: John L. Ligon d

Mother: Josephine " d

Claims through Mother

Lydia Ligon L
no claim for wife.

For self and heirs

Children:

Robert L. Ligon Jr. mo.

Stenographer

R. S. Street

Choctaw MCR 5336

Julia Cherry

See MCR 5339

MCR 5336

5336

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of Julia Cherry for the identification of herself and five minor children, Marie, Allie, Robert, Hervey, Hugh, as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant,
A. W. Jones, Agent for Applicant.

Julia Cherry, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Julia Cherry.
Q How old are you? A Thirty.
Q How much Choctaw blood have you? A One quarter.
Q What's your post office address? A Ripley, Tennessee.
Q What county? A Lauderdale County.
Q How long have you lived in Tennessee? A Two years.
Q Where did you live before that? A Mississippi.
Q What County? A Adams.
Q How long did you live there? A All my life; I was at Fry's point Mississippi for three years.
Q Is your father living? A No, sir.
Q What was his name? A Andrew Ligon.
Q Your mother living? A No, sir.
Q What was her name? A Sophia.
Q Through which one of your parents did you get your Choctaw blood? A Mother.
Q Are you a full sister of Malissa Mazique? who appeared before the Commission here today? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Sidney Cherry.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him, then? A No, sir.
Q Were you ever married more than once? A No, sir.
Q How many children have you living? A Five.
Q What are their names and ages? A Marie, ten; Allie 8; Robert, six; Hervey, four; Hugh, one.
Q Is Allie a girl? A Yes, sir.
Q Is Hervey a boy or girl? A A boy.
Q These five children all living with you at this time? A Yes, sir.
Q Are all five of them the children of yourself and Sidney Cherry?
A Yes, sir.
Q This application, then, is for yourself and five minor children?
A Yes, sir.
Q Has any application of any description ever been made for you or any of these children before today for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose

Julia Cherry, et al., 2.

of claiming rights in the Choctaw lands, in Indian Territory, for yourself and five minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir, I do.

Q Do you understand that 14th article? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever received any benefits under that 14th article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, here in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear of any of your people ever having gotten any land here in Mississippi from the Government? A Not as I know of.

Q Or any money? A Not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that article. The records of the Government show that that agent failed to register and report to the Government, the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Julia Cherry, et al., 3.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article?

A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here today whose testimony you desire to have taken in support of your application? A One witness, Ellen Lucas.

Q Is she the Ellen Lucas who appeared before the Commission here today and testified in support of the application of Malissa Mazique for identification as a Mississippi Choctaw? A Yes, sir.

Q You are a full sister of Malissa Mazique? A Yes, sir.

Q You have no other witnesses here? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language, do you?

A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; her hair is black and almost straight. She does not speak or understand the Choctaw language.)

Julia Cherry, et al., 4.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskegee, Indian Territory, this *8th* day of May, 1902.

Charles H. Lawrence

Notary Public.

M.C.R. 5336.

Muskogee, Indian Territory, January 12, 1908.

Julia Cherry,

Blytheville, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th inst., in which you ask to be advised the present status of the cases of Robert L. Ligon, Mary Ligon and Julia Cherry, who put in their claims in April, 1908, at Meridian, Mississippi.

You state that you have been informed by your attorney that your claims had passed the Commission.

In reply, you are advised that it appears from the records of the Commission that Julia Cherry and Robert L. Ligon are applicants for the identification of themselves and their minor children as Mississippi Choctaws; and that Mary E. Ligon is an applicant for identification as a Mississippi Choctaw.

The Commission has not up to the present time reached any opinion or decision in these cases, but is now considering said applications and it is probable a decision will be rendered in the near future, when the several applicants will be duly notified of

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the action of the Commission, and of the forwarding of the records
to the Secretary of the Interior.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 6, 1903.

Julia Cherry,

Ripley, Tennessee.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Mazique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Mazique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Harvey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5336

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 29, 1903.

Julia Cherry,
Ripley, Tennessee.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Mazique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,



Commissioner in Charge.

48007

No. 5236

For Identification as a Mississippi Choctaw.

Meridian Miss.
Date

APR 18 1902

Name

Julia Cherry

Age

30

Blood

4

Post Office,

Wick, Tenn.

Father:

Isaac Lyon

d.

Mother:

Sophia "

d

Claims through mother
husband

Isaac Cherry

L

No claim for husband.

Children:

Marie

Cherry

10

Allie

"

8

Robert

"

6

Hervey

"

(M)

4

Lugh

"

1

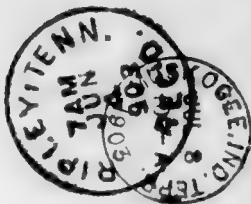
Monographer

R. S. Street

5-336

JUL 14 1903

Think a letter addressed
to Plytherell Arts will
reach Julia Cherry



RECEIVED

General Office

Notice of Sept. decision Case of
Maluisa Moxgrie, et al.

See other side.

Over

~~Butler, Cherry,~~
~~Ridley, Thompson.~~

~~Butler, Cherry,~~

Over

Unclaimed
Removed



Department of the Interior.
Organization to the Five Civilized Tribes
MUSKOGEE, IND. TERR.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Choctaw MCR 5337

Mary E. Ligon

See MCR 5339

MCR 5337

5337

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of Mary E. Ligon for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Mary E. Ligon, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

Q What is your name? A Mary E. Ligon.
Q How old are you? A Thirty four.
Q How much Choctaw blood have you? A Quarter.
Q What's your post office address? A Sibley, Mississippi.
Q What county? A Adams County.
Q How long have you lived in Adams County, Mississippi? A All my
life.
Q Is your father living? A No, sir.
Q What was his name? A Andrew Ligon.
Q Your mother living? A No, sir.
Q What was her name? A Sophia Ligon.
Q Through which one of your parents did you get your Choctaw blood?
A Mother.
Q How long has she been dead? A Been dead about eighteen years.
Q About how old was she when she died? A She was thirty six.
Q Did she live here in Mississippi all her life? A Yes, sir.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A I don't know.
Q Did you ever see her? A No, sir.
Q Where did she live during her life time? A Mississippi.
Q What part, do you know? A Adams County, Mississippi.
Q Sure of that? A Yes, sir.
Q She was a full blood Choctaw, was she? A My grand ma was.
Q Do you know the name of any one of your Choctaw ancestors, except
your mother? A No, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Just claim for yourself only? A Yes, sir.
Q Has any application of any description ever been made before today
in your behalf for the purpose of establishing your rights as a
Choctaw Indian? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands, in Indian Territory, under
the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Mary E. Ligon, et al., 2.

Q Do you understand that 14th article? A Yes, sir

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that 14th article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A Not that I know of.

Q Do you know whether any of them lived here at that time? A No, sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I knew of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Any of them ever get any money from the Government as Choctaw Indians to your knowledge? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Mary E. Ligon, 3.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not that I know of.

Q So far as you know, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here today? A Yes, sir, Ellen Lucas.

Q Are you a full sister of Malissa Mazique? A Yes, sir.

Q You want the testimony given in her case considered in your case? A Yes, sir.

Q You have no other witnesses? A No, sir.

Q Any further statements you want to make at this time in support of your application? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro, and either white or Indian blood; her hair is black and almost straight. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled

Mary E. Ligon, 4.

cause at Meridian, Mississippi, on the 18th day of April, 1902,
and that the above and foregoing is a full, true and correct
translation of his stenographic notes of said proceedings in said
cause upon said date.

R. S. Street

Subscribed and sworn to before me at Muskogee, Indian Territory,
this 1st day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY

M C R 5337

Muskogee, Indian Territory, February 6, 1903.

Mary E. Ligon,
Sibley, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Masique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Masique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

M E L 2

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Hervey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY.

M.O.R. 5357

Muskogee, Indian Territory, May 29, 1903.

Mary E. Ligon,

Sibley, Mississippi.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Manique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED).

E. E. Needles.

Commissioner in Charge.

No.

537

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 18 1902

Name

Harry E. Ligon

Age

34

Blood

1/4

Post Office,

Dibbs, Miss.

Father:

André Ligon d

Mother:

Sophia

d

Claims through

mother

Children:

R. S. Strick

Choctaw MCR 5338

Gabriella Ligon

See MCR 5339

MCR 5338

5338

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of Gabriella Ligon for herself and six minor children, Rosie, Julia, Anna, Edna, Elbert, and Gladys Hutchins, for identification as Mississippi Choctaws.

Gabriella Ligon, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Gabriella Ligon.
Q How old are you? A Thirty six.
Q How much Choctaw blood have you? A Quarter.
Q What's your post office address? A Sibley, Mississippi.
Q What county? A Adams County.
Q How long have you lived in Adams County? A Been living there all my life.
Q Father living? A No, sir.
Q What was his name? A Andrew Ligon.
Q Is your mother living? A No, sir.
Q What was her name? A Sophia.
Q Did your father have any Choctaw blood? A No, sir.
Q How much did your mother have? A Half.
Q Are you married? A Yes, sir.
Q Is your husband living? A No, sir.
Q What was his name? A Hughie Hutchins.
Q Were you lawfully married to this man, Hughie Hutchins? A No, sir.
Q How many children have you living under age and unmarried?
A Six.
Q What are their names and ages? A Rosie, nineteen; Julia, seventeen; Anna, fifteen; Edna, twelve; Elbert ten; Gladys, eight.
Q Are these children living with you at this time? A Yes, sir.
Q What's the name of their father? A Hughie Hutchins.
Q The father of all of them, is he? A Yes, sir.
Q The children bear your name, Ligon? A Yes, sir, - no, sir, they go by Hutchins.
Q This application is for yourself and six minor children? A Yes, sir.
Q Has any application of any kind ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A Not that I know of.

Gabriella Ligon, et al., 2.

Q Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year, 1830, when this treaty was made? A Not that I know of.

Q Do you know whether any of them lived here at that time? A No, sir, I don't know.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did you ever hear of any of your ancestors ever having received any land from the Government? A No, sir.

Q Or any money? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the

Gabriella Ligon, et al., 3.

provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here whose testimony you desire to have taken in your case? A Ellen Lucas.

Q Is she the Ellen Lucas who testified here today in the case of Malissa Mazique? A Yes, sir.

Q Malissa is a full sister of yours? A Yes, sir.

Q You have no other witnesses? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

QQ Any further statements you want to make at this time in support of your application? A No, sir.

Q Have you any sisters here today? A Yes, sir.

Q How many? A Three.

Q What are their names? A Malissa Mazique, Mary Ligon and Julia Cherry.

Q Any brothers here today? A Yes, sir, one.

Q What's his name? A Robert Ligon.

Q Have you any relatives here today for the purpose of making application for identification as Mississippi Choctaws? A Yes, sir.

Q Who are they? A Two nephews and a son.

Q What's the name of your son? A Joseph Andrew Hutchins.

Q He is the son of yourself and Hughie Hutchins? A Yes, sir.

Q What are the names of your nephews? A Joseph Hargrave and James Hargrave.

Q They are the sons of one of your sisters? A Yes, sir.

Q Was she a full sister of yours? A Yes, sir.

Q What was her name? A Mandy.

Q How many children did she leave? A Five.

Q What are the names of the other three? A Sophia Hargrave, Isaac and Luella Hamilton.

Gabriella Ligon, et al., 4.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; her hair is black and almost straight; she does not speak or understand the Choctaw language.)

(Applicant excused.)

Ellen Lucas, having been first duly sworn, upon her oath testified in behalf of the applicant as follows:

Examination by the Commission.

- Q What is your name? A Ellen Lucas.
Q Are you the Ellen Lucas who testified in support of the application of Malissa Masique? A Yes, sir.
Q Are you acquainted with the applicant, Gabriella Ligon? A Yes, sir.
Q Is she a full sister of Malissa? A Yes, sir.
Q Has Malissa any other sisters here today? A Yes, sir.
Q What are their names? A Mary E. Ligon and Julia Cherry.
Q Has Malissa any brothers here today? A Yes, sir.
Q How many? A One.
Q What's his name? A Robert Lee Ligon.
Q Are they all full brothers and sisters? A Yes, sir.
Q Did Malissa ever have any other sisters? A One.
Q What was her name? A Mandy.
Q What was her married name? A I don't know but that's Hargrave.
Q Are any of her children here today to make application? A Yes, sir.
Q What are their names? A I have forgotten their names.
Q Has Malissa any other brothers besides this one, Robert Lee? A Yes, sir, one living.
Q What's his name? A Isaac.
Q Has she any brothers dead who left children? A Yes, sir, one.
Q What was his name? A James Ligon.
Q How many children did he leave? A I know them, but I can't say just how many.
Q How many children did Mandy Hargrave leave? A I don't know all the boys, but I know the girls.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 31st day of May, 1902.

R. S. Streit
Charles H. Sawyer
Notary Public.

COPY.

M C R 5338

Muskogee, Indian Territory, February 6, 1903.

Gabriella Ligon,
Sibley, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Mazique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Mazique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Malissa Masique, Mary E. Masique, Cavanaugh Masique, Augustus Masique, Julia Masique, Sarah Masique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Hervey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5338

Waukegon, Indian Territory, May 29, 1903.

Gabriella Ligen,

Sibley, Mississippi.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Masique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED).

T. B. Needles.
Commissioner in Charge.

Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 18 1902

Name

Gabriella Ligon

Age

36

Blood

1/4

Post Office,

Sibley,

Miss.

Father:

Andrew Ligon

d

Mother:

Sophia

"

1/2

d

Claims through
husband

mother

Heugie Hutchins

d

No Choctaw blood.

For self and children.

Children:

(Rowie Hutchins) 19

Julia " 17

Anna " 15

Edna " 14

Robert " 10

George " 8

Stenographer

(R. A. Street)

Choctaw MCR 5339

Malissa Mazique

See MCR 5338, 5340, 5334
5333, 5337, 5335, 5336

MCR 5339

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malissa Mazique, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Malissa Mazique, et al.,	M.C.R.	5339
Gabriella Ligon, et al.,	"	5338
Joseph A. Hutchins,	"	5340
Joseph Hargrave,	"	5334
James Hargrave,	"	5332
Mary E. Ligon,	"	5337
Robert L. Ligon, et al.,	"	5335
Julia Cherry, et al.,	"	5336

----- I N D E X -----

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Malissa Mazique, et al., M.C.R. 5339.

	Page
Original application of Malissa Mazique, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	1
Original application of Gabriella Ligon, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	2
Original application of Joseph A. Hutchins to the Dawes Commission for identification as a Mississippi Choctaw, -	12
Original application of Joseph Hargrave to the Dawes Commission for identification as a Mississippi Choctaw, - - -	13
Original application of James Hargrave to the Dawes Commission for identification as a Mississippi Choctaw, - - -	19

Original application of Mary E. Ligon to the Dawes Commission for identification as a Mississippi Choctaw, - -	22
Original application of Robert L. Ligon, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	26
Certified copy of marriage record between R. L. Ligon and Lydia H. Barnes, - - - - -	30
Original application of Julia Cherry, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	31
Decision of the Commission refusing the applications in the consolidated case of Malissa Masique, et al., for identification as Mississippi Choctaws, - - - - -	35

5339
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of Malissa Mazique for the identification of herself and five minor children, Mary E., Cavanaugh, Augustus, Julia, and Sarah, as Mississippi Choctaws.

Appearances:

S.A. Beadle, Attorney for Applicant.
A.W. Jones, Agent for Applicant.

Malissa Mazique, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Malissa Mazique.
Q How old are you? A Forty.
Q How much Choctaw blood have you? A Quarter.
Q What's your post office address? A Sibley, Mississippi.
Q What county? A Adams County.
Q How long have you lived in Adams County, Mississippi? A Been living there all my life.
Q Is your father living? A No, sir.
Q What was his name? A Andrew Ligon.
Q Is your mother living? A No, sir, dead.
Q What was her name? A Sophia Ligon.
Q Through which one of your parents did you get your Choctaw blood? A Mother.
Q How long has your mother been dead? A Been dead about eighteen years.
Q How old was she when she died? A Forty five.
Q Did she live in Mississippi all her life? A Yes, sir.
Q Was she a slave? A No, sir, never was.
Q Was your father? A No, sir, he wasn't no slave.
Q Through which one of her parents did your mother get her Choctaw blood? A Her mother was Indian.
Q What was her name? A I don't know.
Q Did you ever see her? A No, sir, never saw her mother.
Q What kind of an Indian was she? A Choctaw Indian.
Q How do you know? A She always said so.
Q Your mother? A Yes, sir.
Q Do you know what your mother's father's name was? A No, sir.
Q Do you know where your mother's mother lived during her entire life time? A She lived in Adams County, Mississippi.
Q Sure of that? A Yes, sir, sure of it.
Q Could your mother speak the Choctaw language? A No, sir.
Q Do you know the name of any one of your Choctaw ancestors further back than your mother? A No, sir, not any of them.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.

Malissa Mazique, et al., &c.

- Q What's his name? A Cavanaugh Mazique.
Q Have you any minor children living? A Yes, sir.
Q How many? A Five.
Q What are their names and ages? A Mary E.
Q How old? A Twenty years old.
Q Next one? A Cavanaugh, he's eighteen.
Q Next one? A Augustus, sixteen.
Q Cavanaugh a boy? A Yes, sir.
Q Next one? A Fifteen, Julia.
Q Next one? A Ten years old.
Q Name? A Sarah.
Q Is that all? A Yes, sir.
Q Are these five children living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Cavanaugh Mazique.
A Yes, sir.
Q This application, then, is for yourself and five minor children?
A Yes, sir.
Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir, not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and five minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new Nation might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years

Malissa Mazique, et al., 3.

of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article, shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you, in full, the 14th article of the treaty of Dancing Rabbit. Do you think you understand it now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?

A No, sir, not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Did any of them, so far as you know, ever get any land here in Mississippi from the Government? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years

Malissa Mazique, et al., 4.

1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, not that I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time?

A No, sir.

Q Have you any witnesses here today to testify in your behalf?

A Yes, sir.

Q What her name? A Ellen Lucas.

Q How old is she? A Going on seventy three years old.

Q Where does she live? A In Hatcher, Mississippi.

Q Is she any relation to you? A No, sir, none at all.

Q Has she any interest in the result of your application? A No, sir none at all.

Q What do you expect to prove by Ellen Lucas? A By my mother's side being Indian.

Q Is that all? A Being Choctaw Indian.

Q Is that all? A She was a free Indian.

Q Is that all? A And that she was half Indian, and her mother was Indian.

Q Does she know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A

By A.W. Jones:

She does not know anything about that.

If you should find any other witnesses whose testimony you desire to have taken by the Commission they may appear before us here at Meridian, Mississippi, at any time before

Malissa Mazique, et al., 5.

the 30th of this month, or within a reasonable time at the general office of the Commission, in Muscogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir, nothing at all.
Q Have you any brothers living? A Two brothers, one's here.
Q What are their names? A Robert Lee Ligon.
Q Next one? A Isaac Ligon.
Q Have you any brothers dead who left children? A Yes, sir, got a brother dead, his name was Jimmie.
Q Are those children living now? A Yes, sir.
Q How many? A Five.
Q What are their names? A Alice Ligon.
Q Is she married? A No, sir. Annie, Clara, Cordie, Jack and Jimmie; there are six of them.
Q With whom do they live? A Their mother is living.
Q What's her name? A Harriet.
Q Have you any sisters living? A Yes, sir.
Q How many? A Three.
Q They are all here today? A Yes, sir.
Q What are their names? A Mary L. Ligon.
Q Is she married? A No, sir.
Q Next one? A Julia Cherry and Gabriella Ligon.
Q Have you any children living who are of age? A Yes, sir, one boy.
Q What's his name? A Joseph I. Mazique.
Q Is he here today? A No, sir.
Q Have you any children dead who left children? A Yes, sir, I have children dead.
Q Did any of them leave children? A No, sir.
Q Did your mother ever have any brothers or sisters? A No, sir, not as I know of.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood. Her hair is almost straight; she does not speak or understand the Choctaw language.)

(Applicant excused.)

Ellen Lucas, being called and duly sworn as a witness in behalf of the applicant, upon her oath testified as follows:

Examination by the Commission:

Q What is your name? A Ellen Lucas.
Q How old are you? A I will be seventy three years next January.
Q What's your past office address? A Natchez, Mississippi.
Q How long have you lived in Natchez? A Thirteen years, but principally in the country, and down in Concordia Parish.
Q How long have you lived in the State of Mississippi? A Long time, I couldn't exactly remember how long.
Q Where were you born? A In Virginia.
Q Did you come from Virginia to this State? A Yes, sir.

Malissa Mazique, et al., &c.

- Q Did you come from Virginia to this State? A Yes, sir.
- Q How old were you when you came out here? A About fifteen.
- Q You have no Choctaw blood? A Oh! no, sir.
- Q Were you a slave? A Yes, sir.
- Q Are you acquainted with the applicant, Malissa Mazique? A Yes, sir, I am.
- Q How long have you known her? A Ever since she was a little child.
- Q Is she any kin to you? A No, sir.
- Q Are you interested in any way in result of her application? A
- A Nothing no more than just --
- Q Where has she lived all her life? A She has lived here in Mississippi, in Adams County.
- Q Were you acquainted with her mother? A Knew her mother from a child.
- Q What was her name? A Sophia.
- Q Where was her mother born? A In the back of Woodville, in the Indian settlement - in the Choctaw settlement.
- Q In Adams County, Mississippi? A No, sir, in Wilkinson County.
- Q Was Sophia a slave? A No, sir, free woman.
- Q Did she live in Wilkinson County and Adams County all her life?
- A Ever since I knew her, and that was when she was between twelve and fourteen years old, when I first knew her.
- Q You know she was born down in that country? A Born there.
- Q Was she older or younger than you? A Younger a few years.
- Q Don't know just how many years? A No, sir, but we were both young women.
- Q Did she have any Choctaw blood? A She represented to be pure Choctaw.
- Q Who, Sophia was? A Yes, sir.
- Q You don't think she was a full blood Choctaw, do you? A I do; I don't know it. Her mother - her grand mother--
- Q Her mother? A No, Sophia wasn't a full blood; I thought you was speaking about her mother.
- Q She was a half blood? A Yes, sir.
- Q The mother of this applicant was a half blood? A Yes, sir.
- Q And she lived there in that portion of the State all her life?
- A Yes, sir, born down there.
- Q Through which one of her parents did she get her Choctaw blood; was it her father or her mother? A I couldn't tell you except what Brother Reeves told me.
- Q What did Brother Reeves tell you about this matter? A He lived in Woodville, and they lived there in the settlement, and her mother - Sophia's mother - got mad with her, which was the pure Indian, and throwed her in a pond, and the old doctor swimm'd in to save her life, and he raised her and her mother died when she was very small; so Sophia has never knew her mother, neither did I know her, but he told me she was a Choctaw Indian squaw.
- Q Who is this man Reeves, a white man? A Yes, sir, an old Doctor; his home is in Woodville.
- Q When did he tell you about this? A About forty years ago; he used to leave Sophia with me when he went away to town to attend to business, and he got me to learn her to sew.
- Q You don't know who Sophia's father was? A No, sir, I don't know anything about that.
- Q You understand that the Choctaws have a separate and distinct language from the language I am speaking now? A Yes, sir, I have been told so.

Malissa Mazique, et al., 7.

Q Did Sophia speak the language we are talking now, or the Choctaw language? A She spoke the English language because she was raised with this old gentleman.

Q She didn't speak the Choctaw language? A I never heard her, and never knew her to speak it.

Q You don't know any of the names of Sophia's ancestors? A No, sir, don't know any of the names but Sophia.

Q You know that this applicant is Sophia's daughter? A Yes, sir.

Q Do you know anything more about this case? A No, sir.

(The witness is a negro of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May, 1902.

Charles H. Sawyer

Notary Public.

all
C. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----0----

In the matter of the application of Malissa Mazique, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Malissa Mazique, et al.,	M.C.R. 5339
Gabriella Ligon, et al.,	M.C.R. 5338
Joseph A. Hutchins,	M.C.R. 5340
Joseph Hargrave,	M.C.R. 5334
James Hargrave,	M.C.R. 5333
Mary E. Ligon,	M.C.R. 5337
Robert L. Ligon, et al.,	M.C.R. 5335
Julia Cherry, et al.,	M.C.R. 5336.

D E C I S I O N

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Malissa Mazique for herself and her five minor children, Mary E., Cavanaugh, Augustus, Julia and Sarah Mazique; by Gabriella Ligon for herself and her six minor children, Rosie, Julia, Anna, Edna, Elbert and Gladys Hutchins; by Joseph A. Hutchins for himself; by Joseph Hargrave for himself; by James Hargrave for himself; by Mary E. Ligon for herself; by Robert L. Ligon for himself and his minor child, Robert L. Ligon, Jr. and by Julia Cherry for herself and her five minor children, Marie, Allie, Robert, Hervey and Hugh Cherry, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said applications and from the records in the possession of the Commission, it does not appear that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

The record herein shows that the applicants are too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote Choctaw ancestor through whom they claim than Sophia Ligon, the mother of Malissa Mazique, Gabriella Ligon, Mary E. Ligon, Robert L. Ligon and Julia Cherry, and the grandmother of all the other applicants, who, according to the testimony, was sixty-three years old in 1902 and could not therefore have been living in eighteen hundred and thirty. The record shows that the applicants are ignorant of the names of any of their ancestors other than Sophia Ligon. Although they have had more than eight months in which to secure evidence tending to show who said ancestors were they have not offered to submit such additional proof, neither have their attorneys of record.

The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique,

Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Albert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Hervey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tanne Dixby.

Acting Chairman.

I. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 6 1905

COPY;

M C R 5339

Muskogee, Indian Territory, February 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Mazique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Mazique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Hervey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights

M McM & C 2

in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

~~Registered.~~

COPY.

Muskogee, Indian Territory, February 6, 1903.

S. A. Beadle, *Atty.*,
 Attorney-at-Law
 Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Mazique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Mazique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

S A B 2

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Harvey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Brookbridge.
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 6, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Mazique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Mazique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

A W J 2

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Harvey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in this case, together with the arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

C. R. Brockinridge

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 6, 1903.

Malissa Manique,

Sibley, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malissa Manique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Manique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

MM 2

"The evidence being insufficient to determine the identity of Malissa Masique, Mary E. Masique, Cavanaugh Masique, Augustus Masique, Julia Masique, Sarah Masique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Elbert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Hervey Cherry and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered. "

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Malissa Masique, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 6, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Malissa Masique, et al.	M.C.R. 5339
Gabriella Ligon, et al.	M.C.R. 5338
Joseph A. Hutchins	M.C.R. 5340
Joseph Hargrave	M.C.R. 5334
James Hargrave	M.C.R. 5335
Mary E. Eigon	M.C.R. 5337
Robert L. Ligon, et al.	M.C.R. 5336
Julia Cherry, et al.	M.C.R. 5336

The Commission has the honor to report that the principal applicants in the several separate applications, their agent, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

3 inclosures: M.C.R. 5339

Through the
Commissioner of Indian Affairs.

Chairman,

COPY.

Land
13863-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March, 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on February 6th, 1903.

Malissa Mazique, for herself and her five minor children, Mary E., Cavanaugh, Augustus, Julia and Sarah Mazique; Gabriella Ligon, for herself and her six minor children, Rosie, Julia, Anna, Edna, Elbert and Gladys Hutchins; Joseph A. Hutchins; Joseph Hargrave; James Hargrave; Mary E. Ligon; Robert L. Ligon, for himself and his minor child Robert L. Ligon, Jr. and by Julia Cherry for herself and her five minor children, Marie Allie, Robert, Hervey and Hugh Cherry.

An examination of the evidence in this case shows that the applicants are unable to give the names of ancestors more remote than Sophia Ligon, their common ancestor, nor is any information given as to the status of their ancestors in the Choctaw Nation in Mississippi or Alabama in 1830. They rely solely on their descent from Choctaw ancestors through Sophia Ligon, who, it

appears, was not born until after 1830.

The Commission decides this case adversely to the applicants on the ground that the evidence furnished by them is insufficient to determine their identification as Mississippi Choctaws coming within the 14th article of the Choctaw treaty of 1830.

The office has examined the records with reference to this application and the name of Sophia Ligon is not found to be included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

For this reason, as well as for the reason that the evidence furnished by the applicants is insufficient upon which to substantiate a claim for identification as Mississippi Choctaws, I have to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tonner

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 14933-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.V.H.
PHE.

I.T.D. 3004-1903.

L R S

May 15, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 24, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Malissa Mazique (M.C.R. 5339), for herself and her five minor children, Mary E., Cavanaugh, Augustus, Julia and Sarah Mazique; of Gabriella Ligon for herself and her six minor children, Rosie, Julia, Anna, Edna, Elbert and Gladys Hutchins; of Joseph A. Hutchins for himself; of Joseph Hargrave for himself; of James Hargrave for himself; of Mary E. Ligon for herself; of Robert L. Ligon for himself and his minor child, Robert L. Ligon, Jr., and of Julia Cherry for herself and her five minor children, Marie, Allie, Robert, Hervey and Hugh Cherry, including your decision of February 6, 1903, refusing to identify them as such.

These applicants are the descendants in the first and second degrees, of Sophia Ligon, now deceased. She was born in 1839, in Wilkinson County, Mississippi, in what was known as "the Choctaw Settlement," and lived in that state all her life. Sophia Ligon obtained her Indian blood from her mother, who was a full blood Choctaw. The latter lived in Adams County, Mississippi.

Said county is also the home of the applicants in this case.

The testimony as furnished by the applicants fails to show that they, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

W.C.R. 5389

Muskogee, Indian Territory, May 29, 1903.

A. W. Jones,
Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Mazique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

SIGNED

W. L. Vooden
Commissioner in Charge.

M.C.R. 5339

Muskegee, Indian Territory, May 29, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Maxique, et al., of which decision you were advised by mail on the 6th day of February, 1903.

Respectfully,

SIGNED

W. S. C.
Commissioner in Charge. L

COPY.

M.C.R. 8839

Muskegee, Indian Territory, May 29, 1903.

Malissa Manique,

Bibley, Mississippi.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Manique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED).

T. B. Needles.
Commissioner in Charge.

COPY.

M.C.R. 5339

Muskogee, Indian Territory, May 29, 1903

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Masique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED).

T. D. Needles
Commissioner in Charge.

REF. TO M.C. NO 5339

Malissa, Maziye et al

Conceded

Sophia Ligon, 12, Dead
 husband
 Andrew Ligon, dead

Amanda Ligon, 14, Dead
 married
 Isaiah Hargrave, dead

met
 533
 Mary E Ligon 34, 14

met
 533
 Robert L Ligon, 32 14
 married
 Lydia A Barnes

met
 533
 Julia Ligon, 30, 14
 married
 Sidney Cherry

met
 533
 Joseph Hargrave, 25, 18

met
 533
 James Hargrave, 22, 18

Luella Hargrave
 married
 Hamilton

Isaiah Hargrave
 Sophia Hargrave

Robert L Ligon, Jr. 7 mos.

met
 533
 Marie Cherry, 10
 Allie Cherry 8
 Robert Cherry, 6
 Hervey Cherry 4
 Hugh Cherry 1

Sophia Ligon, 12 dead
 husband
 Andrew Ligon, dead

mek
 5339

Malissa Ligon, 40. 1/4

married

Cavanaugh Mazique,

Isaac Ligon

Jimmie Ligon, dead

wife

Harriet Ligon

mek
 5338

x Gabriella Ligon 36. 1/4

and

Hugh Hutchins, dead

x applicant states that she was
 never married to Hugh Hutchins
 that he was the father of all
 of her children

mek
 5337

Joseph J Mazique

Mary E. Mazique, 20

Cavanaugh Mazique, 18

Augustus Mazique, 16

Julia Mazique, 15

Sarah Mazique, 10

Alice Ligon

Annie Ligon

Clara Ligon

Cordie Ligon

Jack Ligon

Jimmie Ligon

mek
 5340

Joseph A Hutchins 21. 1/8

mek
 5338

Rosie Hutchins, 19

Julia Hutchins, 17

Anna Hutchins, 15

Edna Hutchins, 12

Elbert Hutchins, 10

Gladys Hutchins, 8

Form No. 260.

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THOS. T. ECKERT, President and General Manager.

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Government Collect.

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

Muskogee, Indian Territory, March 14, 1903.

Reg. Archillion,

Blythville, Arkansas,

Replying your telegram this date record in Mississippi Choctaw case
of Malissa Mazique, et al. including application of Julia Cherry,
was forwarded Secretary of Interior February twenty fourth. Commission
cannot receive additional evidence.

Bixb.,

O.R.G.R.

Chairman.

READ THE NOTICE AND AGREEMENT ON BACK.

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

APR 18 1902

Name *Naiwa Mazique*

Age *40*

Blood *1/4*

Post Office,

Sibley, Miss

Father:

Andrew Lyon - d

Mother:

Sophia " d

Claims through mother
husband

*Cavanaugh Mazique &
no claim for husband.*

For self and children

Children:

<i>Mary E. Mazique</i>	<i>"</i>	<i>20</i>
<i>Cavanaugh</i>	<i>"</i>	<i>18</i>
<i>Augustus</i>	<i>"</i>	<i>16</i>
<i>Julia</i>	<i>"</i>	<i>15</i>
<i>Sarah</i>	<i>"</i>	<i>10</i>

Stenographer

R. S. Street

Choctaw MCR 5340

Joseph A. Hutchins

See MCR 5339

MCR 5340

5340
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 18, 1902.

In the matter of the application of Joseph A. Hutchins for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Joseph A. Hutchins, having been first duly sworn, upon his
oath states as follows:

Examination by the Commission.

- Q What is your name? A Joseph A. Hutchins.
Q How old are you? A Twenty one.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Sibley, Mississippi.
Q What county? A Adams County.
Q How long have you lived in Adams County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Hugh Hutchins.
Q Your mother living? A Yes, sir.
Q What's her name? A Gabriella Ligon.
Q Is she the Gabriella Ligon who appeared before the Commission
here today and made application for the identification of herself and
minor children as Mississippi Choctaws? A yes, sir.
Q Your father had no Choctaw blood? A No, sir.
Q Are you married? A No, sir.
Q Never have been married? A No, sir.
Q This application, then, is for yourself only? A Yes, sir.
Q Has any application of any kind ever been made before today in
your behalf for the purpose of establishing your rights as a Choctaw
Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands, in Indian Territory, under
article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article of the treaty of Dancing Rabbit
Creek? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with
its provisions, or ever receive any benefits under that article?
A Not that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation,
in Mississippi and Alabama, in the year 1830, when this treaty was
made? A No, sir, not that I know of.
Q Did any of them remove to the present Choctaw Nation, in Indian
Territory, at the time of the removal of the greater portion of the
Choctaw tribe of Indians, between the years 1833 and 1838? A Not
as I know of.
Q Did any of them, within six months, after the treaty of Dancing
Rabbit Creek was ratified, let the agent of the Government here in
Mississippi for the Choctaws know that they wanted to stay here and

Joseph A. Hutchins, 2.

become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Did you ever hear of any of your people ever having gotten any land from the Government of the United States? A No, sir.

Q Or any money? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1840, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, not that I know of.

Joseph A. Hutchins, 3.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here today? A None, only Ellen Lucas.

Q She testified in connection with the application of Malissa Mazique did she not? A Yes, sir.

Q What relation is Malissa Mazique to you? A Aunt.

Q Mother's full sister? A Yes, sir.

Q Have you any other witnesses here today? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the features and facial expressions of a white man; he shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language; his hair and eyes are light.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 1st day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY

Muskegee, Indian Territory, February 6, 1903.

Joseph A. Hutchins,
Sibley, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of MalissaMaxique, et al., embracing the following applications for identification as Mississippi Choctaws:

Malissa Maxique, et al.,	M C R 5339
Gabriella Ligon, et al.,	" 5338
Joseph A. Hutchins,	" 5340
Joseph Hargrave,	" 5334
James Hargrave,	" 5333
Mary E. Ligon,	" 5337
Robert L. Ligon, et al.,	" 5335
Julia Cherry, et al.,	" 5336

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

J A H 2

"The evidence being insufficient to determine the identity of Malissa Mazique, Mary E. Mazique, Cavanaugh Mazique, Augustus Mazique, Julia Mazique, Sarah Mazique, Gabriella Ligon, Rosie Hutchins, Julia Hutchins, Anna Hutchins, Edna Hutchins, Robert Hutchins, Gladys Hutchins, Joseph A. Hutchins, Joseph Hargrave, James Hargrave, Mary E. Ligon, Robert L. Ligon, Robert L. Ligon, Jr., Julia Cherry, Marie Cherry, Allie Cherry, Robert Cherry, Harvey Cherry, and Hugh Cherry, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

O. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY,

M.C.R. 3340.

Mustoge, Indian Territory, May 29, 1903.

Joseph Hutchins,

Sibley, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malissa Masique, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

E. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 18 1892

Name *Joseph A. Stephens*

Age 21 Blood $\frac{1}{8}$

Post Office, *Sibley, Minn.*

Father: *John Stephens d.*

Mother: *Tabitha Ligon ✓ L*

Claims through Mother

101

Children:

Stenographer

R. S. Streit

Choctaw MCR 5341

Maud R. Stevens

See MCR 5432

MCR 5341

5341

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 19th, 1902.

In the matter of the application of Maud R. Stevens for the identification of herself and two minor children, Marguerite and William M. Stevens, as Mississippi Choctaws, represented by her father William Minor Davis.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said William Minor Davis, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A William Minor Davis.
- Q How old are you? A Fifty-one.
- Q What's your postoffice address? A Natchez, Mississippi.
- Q Are you the William M. Davis who appeared before the Commission at Meridian, Mississippi, on the 14th day of February, 1902, and made application for identification as a Mississippi Choctaw? A Yes sir.
- Q For what purpose do you appear before the Commission at this time? A I appear for my daughter Maud R. Stevens.
- Q You present here a power of attorney executed on the 16th day of April, 1902, at Natchez, Mississippi, by Maud Ravena Stevens, is this Maud R. Stevens your daughter? A Yes sir.
- Q And you are the William M. Davis who is by said power of attorney authorized to appear before this Commission and make application in her behalf for identification as a Mississippi Choctaw? A Yes sir.
- Q Why is it that your daughter does not appear before the Commission in her own behalf? A She is unable to now on account of sickness.
- Q She is absolutely unable at this time to make a trip to Meridian from Natchez for the purpose of appearing in her own behalf, is she? A She is.
- Q Is her condition such that it is probable she would be able to appear here before the 1st of May this year? A Well, I couldn't say that positively--I don't think she would be able to come.
- Q How old is your daughter Maud R. Stevens? A Twenty-four.
- Q How much Choctaw blood has she? A I suppose she has a sixteenth.
- Q You claim to be an eighth, do you? A Yes sir.
- Q What's the postoffice address of Maud R. Stevens? A Natchez, Mississippi.
- Q What's her local address? A They don't deliver mail out to her house so she gets her mail at my house, 46 St. Catherine Street.
- Q How long has she lived at Natchez? A All her life with the exception of about two years when she was in St. Louis at school.
- Q Is her mother living? A No sir, dead.
- Q What was her name? A Sinai S. Davis.
- Q Did her mother have any Choctaw blood? A No sir.
- Q You didn't marry her at first? A No sir, we lived four ~~xx~~ years without a license.
- Q And this child was born after that? A Yes sir.
- Q Were you married to Sinai under a license? A Yes sir.
- Q You have heretofore submitted, in connection with the application in behalf of other children, evidence of your marriage to Sinai, have

Maud R. Stevens et al---2

you not? A Yes sir.

Q Is your daughter, Maud R. Stevens, married? A Yes sir.

Q Is her husband living? A Yes sir.

Q What's his name? A William A. Stevens, I think.

Q Has he any Choctaw blood? A He has none.

Q You make no claim for him? A No sir.

Q How many children has your daughter Maud R. Stevens living? A Two living.

Q What are their names and ages? A Marguerite.

Q How old? A She's four.

Q Next one? A William M.--about two months old.

Q Is that all of her children? A Yes sir.

Q Are these two children living with her at this time? A Yes sir.

Q This application, then, is for your daughter Maud R. Stevens and two minor children? A Yes sir.

Q Has any application of any description ever been made for Maud R. Stevens or either of these children before today for the purpose of establishing their rights as Choctaw Indians? A No sir.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your daughter Maud R. Stevens and two minor children under article 14 of the treaty of Dancing Rabbit Creek, do you? A Yes sir.

Q At the time you make application to the Commission on the 14th of February last you were examined fully as to a compliance on the part of your ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek; have you any further information on this point than what was disclosed by your testimony here last February? A No sir.

Q You have no other witnesses whose testimony you desire to have taken before the Commission? A No sir.

Q Are there any further statements you desire to make at this time in support of the claim you make in behalf of your daughter? A No sir.

Q You have no written evidence to offer at this time in support of your application? A No sir.

Special reference is hereby made to the testimony of William M. Davis, given before this Commission at Meridian, Mississippi, on the 14th day of February, 1902, in support of his application for identification as a Mississippi Choctaw.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 19th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23th day of April, 1902, at Meridian, Mississippi.

L. B. Massey
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *M. A. Niles*

Deputy.

Muskogee, Indian Territory, August 27th, 1902.

Maud R. Stevens,
46 Catherine St.,
Natchez, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Clapp, et al., concerning the following applications for identification as Mississippi Choctaws:

Mary Clapp,	M.C.R.	2432
William M. Davis,	"	2701
Isaura Allain,	"	2702
Irene V. Miller, et al.,	"	2707
Maud R. Stevens, et al.,	"	2341
Thomas H. Davis, et al.,	"	2705
Virginia B. Walker, et al.,	"	2793
William F. Dent, et al.,	"	2419
Thomas J. Dent, et al.,	"	2708
Charles R. Dent,	"	2709
Augusta Dent,	"	2790
Louis Dent,	"	2724

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 493), which is as follows:

Maud R. Stevens-2

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Clapp, William M. Davis, Laura Allain, Irene V. Miller, Emily Miller, Maud R. Stevens, Marguerite Stevens, William M. Stevens, Thomas H. Davis, Mamie Davis, Joseph Davis, Marguerite Davis, George Davis, Thomas Davis, Norma Davis, Virginia E. Walker, Livingston W. Irving, William F. Dent, Virginia F. Dent, Thomas J. Dent, Charlie Dent, Selma Dent, Robert Dent, Charles R. Dent, Augusta Dent and Louis Dent as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identifications as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Dwyer

Acting Chairman.

Registered.

M C R 5341

Muskogee, Indian Territory, October 29, 1902.

Maud R. Stevens,
46 St. Catherine Street,
Natchez, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Clapp, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Samuel D. H. H.
Acting Chairman.

#2081

No.

5111

For Identification as a Mississippi Choctaw.

Meridian Miss.

APR 19 1902

Date

Name

Harold P. Stearns

Age 24

Blood 1/16

46 St Catherine St

Post Office, Natchez, Miss

Father: William H. Stearns

L

Mother: Anna C. Stearns

d

Claims through father

husband

William H. Stearns

L

no claim for husband

For

Children:

Marguerite Stearns

4

William H. Stearns

2 mo

J. L. Niles

Choctaw MCR 5342

Cornelia Jones

See MCR 5401

MCR 5342

534
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 19th, 1902.

In the matter of the application of Cornelia Jones for
identification as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Cornelia Jones, being first duly sworn, testified as
follows:

Examination by the Commission.

Q What's your name? A Cornelia Jones.
Q How old are you? A Twenty-three.
Q How much Choctaw blood have you? A One quarter.
Q What's your postoffice address? A Conway, Arkansas.
Q How long have you lived in Arkansas? A Twelve years.
Q Where did you live before that? A In Mississippi.
Q What place? A Lowndes County.
Q How long did you live in Lowndes County? A Eleven years.
Q You were born there, then? A Yes sir.
Q Is your father living? A Not as I know of.
Q What was his name? A Boyle Guyton.
Q Is your mother living? A No sir.
Q What was her name? A Delphia Guyton.
Q Through which one of your parents did you get your Choctaw blood?
A Mother.
Q How long has she been dead? A She's been dead--I don't know
exactly--its about fourteen or fifteen years.
Q About how old was she when she died? A I don't know, sir.
Q Have you any idea? A No sir.
Q Where was she born? A Mississippi.
Q What County? A I don't know, sir.
Q Did she live in Mississippi all her life? A All that I can rec-
ollect she did.
Q You don't know where she lived before you were born? A No sir.
Q How much Choctaw blood did she have? A One-half.
Q Was she a slave? A No sir.
Q Do you know the names of her father and mother? A I know her
mother's name.
Q What was her mother's name? A Mary Friedmore.
Q Did Mary Friedmore have any Choctaw blood? A Yes.
Q How much? A She was a whole.
Q Full blood Choctaw? A Yes sir.
Q Did you ever see her? A I never saw her but my mother said
her mother was a full Indian.
Q Where did Mary Friedmore live? A In Mississippi.
Q What part? A Lowndes County.
Q Could your mother speak the Choctaw language? A Yes sir.
Q Did she talk as you and I do now or in the Indian language? A
No sir, she couldn't talk Indian.
Q Do you know anything more about her mother? A No more than what
she told me.
Q Do you know the names of your grandmother's father and mother?
A No sir.

Cornelia Jones--2

- Q Do you know where your grandmother was born? A No sir.
- Q You don't know where she lived during her entire life time, then?
- A She lived in Lowndes County, where my mother lived, when I could recollect--she died there--my mother used to tell us children that she lived there.
- Q That's all you know about it? A Yes sir.
- Q Do you know how old your grandmother would be if she were living now? A No sir.
- Q Was she a slave? A No sir.
- Q Are you married? A Yes.
- Q Is your husband living? A Yes.
- Q What's his name? A James Jones.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him, then? A No sir.
- Q Have you any children living? A No sir.
- Q This application then is for yourself only, is that right? A Yes sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir, not as I know of.
- Q You never made any application yourself? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, none as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.
- Q Did any of them live here at that time--72 years ago, in the old Choctaw Nation? A Not as I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A None as I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q You never heard of any of your ancestors ever having received any land from the Government? A No sir.
- Q Did you ever hear of any of them ever having gotten any money? A Not as I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to

Cornelia Jones--3

remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A None as I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A I don't know of any.

Q Have you any written evidence of any kind to offer at this time?

A Yes sir.

The affidavits of N.C. Swansy, Lonie E. Bell, the joint affidavit of Louisa C. Lary and Jessie R. Lary, are offered in evidence, identified as Exhibits A-B- & C, filed and

Cornelia Jones--4

made a part of the records in this case.

Q Have you any witnesses here to day to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Who is N.C. Swansy whose affidavit you submit here? A He lives in Mississippi.
Q Where? A Lowndes County, where I was raised at.
Q What's his postoffice address? AA Aberdeen.
Q He is a white man? A Colored.
Q Is he any relation to you? A No sir.
Q Is he interested in any way in the result of this application?
A Not as I know of.
Q Is he a farmer? A Yes sir.
Q Who is Mrs. Lemie E. Bell whose affidavit you submit? A She knows my grandmother.
Q What's her postoffice address? A ~~Aberdeen~~ Aberdeen.
Q About how old is she? A I don't know, sir.
Q Give us an idea? A About sixty I reckon.
Q Is she a white woman? A No sir, she's colored.
Q Is she any relation to you? A No sir.
Q Is she interested in any way in the result of this application?
A No sir.
Q Who is Jessie E. Lary whose affidavit you submit? A He's acquainted with my mother and grandmother.
Q Where does he live? A In Lowndes County.
Q What's his postoffice address? A Aberdeen.
Q Who is Louisa C. Lary? A I don't know, sir.
Q Are you personally acquainted with her? A When I was small I can't recollect her now.
Q Can you recollect Jessie Lary? A No sir.
Q Are they white people, or do you know? A I don't know.
Q Are you personally acquainted with Mrs. Lemie E. Bell? A No sir.
Q Don't know her? A No sir.
Q Are you personally acquainted with N.C. Swansy? A No sir.
Q How did you get these affidavits you submit here? A My husband went back there and got them.
Q Have you any brothers living? A Got two.
Q What are their names? A Hewt Guyden and William Guyden.
Q Where do they live? A One stays in Conway, Arkansas.
Q Which one? A Hewt.
Q Where does William live? A In Caladenia, Alabama.
Q Has he been before this Commission? A No sir.

Cornelia Jones--5

Q Has the other one been before the Commission? A No sir.

Q Have you any brothers dead who left children? A Not as I know of--I have some brothers dead but I don't know if they had any children.

Q Have you any sisters living? A None living that I know of.

Q Do you know whether any of your sisters left any children? A Not as I know of.

Q Has your mother any brothers or sisters living? A One sister living.

Q What's her name? A Becky Hackman--she's Becky Moody now.

Q Where does she live? A I don't know.

Q Has she been before this Commission? A I don't know.

Q Has your mother any brothers or sisters dead who left children?

A I don't know, sir.

Examination by Mr. Jones:


Q Why didn't you bring your witnesses personally before this Commission? A I wasn't able to bring them.

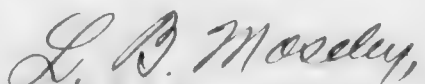
Q What do you mean by that? A I wasn't able to pay their expenses.

Commission:

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates, although her hair is black and straight--she has the features and facial expression of a negro and shows no indications of being possessed of Indian blood. Does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 19th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 28th day of April, 1902,
at Meridian, Mississippi.


Clerk U.S. Circuit Court, Southern
District of Mississippi.

By 

Deputy.

(Copy)

(3858 1/2)

Circular--Impossible to deliver.

Reply at the bottom and return this Notice.

Post Office, DURANT, IND. TER.
Oct. 25, 1902.

Postmaster, Muskogee, I.T.

A registered letter, No. 2793, from your office Oct. 16, 1902, has reached this office, addressed to Bittick Nelson.

This letter is held because it is "impossible to deliver" for the following reasons: Addressee deceased.

Please ascertain from the sender if he desires the same to be held 30 days (P.L.& R., Sec. 1126) or returned according to order of the Postmaster General (No.487 1/2), Sec. 1127 P.L.& R.)

Letter cannot be forwarded, or address changed, at the request of sender (except for purpose of return), while letter remains at this office. The addressee controls changes in the address of letter, unless the letter is to be returned to mailing office (Secs. 1104 and 1105 P.L.& R.).

When a registered article is returned to mailing office in accordance with Sections 1126 and 1127 of P.L.& R. it cannot there be remailed to correct address without new repayment of postage and registry fee.

Very respectfully,

(signed)

W. H. HILTON,
Postmaster.

M.C.R. 5342

Muskogee, Indian Territory, October 28, 1902.

Cornelia Jones,
Conway, Arkansas.

Dear Madam:

You are hereby advised that on the 26th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nute Guiden, et al., embracing the following applications for identification as Mississippi Choctaws:

Nute Guiden,	M.C.R. 5401
Cornelia Jones,	M.C.R. 5342

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nute Guiden and Cornelia Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

G.J.---2

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

C. R. Breckinridge.
Commissioner in Charge.

Registered.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4000B
REPLY IN REPLY TO THE FOLLOWING

M.C.R. 5342

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

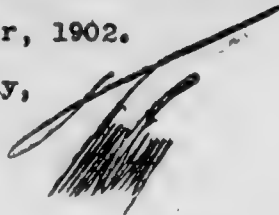
Muskogee, Indian Territory, February 26, 1903.

Cornelia Jones,
Conway, Arkansas.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mute Guiden, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,



Chairman.

2082

No.

5112

For Identification as a Mississippi Choctaw.

Meridian Miss

Date

APR 19 1902

Name

Cornelia

Jones

Age

23

Blood

1/4

Post Office,

Conway, Ark.

Father:

James H. Jones

d

Mother:

Delphia

d

Claims through Mother

Miss B. A.

James Jones

claim for husband.

Children:

mother's mother Mary Friedman

d

Stenographer

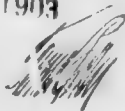
J. J. Niles

5342

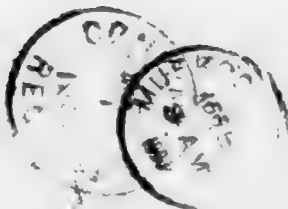
File

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
FILED

APR 7 1903



CHAIRMAN



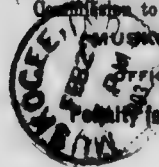
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Cornelia Jones

Conway

Ark

Choctaw MCR 5343

Mary Susan Milam

See MCR 3809

MCR 5343

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Seago, et al., for identification as Mississippi Choctaws,
consolidating the applications of

John W. Seago, et al.,	M.C.R. 3809;
Theodosia C. Seago, et al.,	M.C.R. 3810;
James T. Seago, et al.,	M.C.R. 3811;
Zedekiah Seago,	M.C.R. 3812;
Albert Cheatham,	M.C.R. 3813;
Walter Cheatham,	M.C.R. 3814;
Ollie Latimer,	M.C.R. 3815;
Mary A. Cheatham, et al.,	M.C.R. 4017;
Alpha May Morrison, et al.,	M.C.R. 4018.
Mary Susan Milam, et al.,	M.C.R. 5343

List of papers
forwarded to the Secretary
of the Interior, with the record in the above case, together
with the page occupied by each in said
record.

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Affidavit of Elijah Colbert,	7
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Original application of Theodosia C. Seago, et al., before the Daves Commission for identification as Mississippi Choctaws,	10

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Final decision of the Commission refusing the applications contained in the consolidated case of John W. Seago, et al., for identifi- cation as Mississippi Choctaws	74

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 24, 1902.

5343

In the matter of the application for identification as Mississippi Choctaws of Mary Susan Milam for herself and her four minor children, Willie, Jimmie, Ury and Hattie Flammie Milam.

B. S. Johnson, attorney for applicants.

Mary Susan Milam being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Susan Milam.
Q M-a-r-l-i-n? A M-i-l-a-m.
Q What is your age? A Forty-four.
Q What is your post office address? A Floyville, Tennessee.
Q How do you spell it? A F-l-o-y-v-i-l-l-e
Q Tennessee? A Yes, sir.
Q How long have you lived in Floyville? A I have been living there about ten years.
Q Where did you live before that? A Near Wildersville, Tennessee.
Q How long did you live there? A Three years.
Q Where were you born? A I was born in Mississippi.
Q At what place in Mississippi? A Tishomingo.
Q You lived in Mississippi how long? A Until I was seven years old.
Q Then you went where? A Tennessee.
Q Have lived there ever since? A All but two years when I lived in Texas.
Q You remember when that was? A It has been about eighteen years ago.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A Calvin McCoy.
Q What was your mother's name? A Martha Ann Bonds.
Q That is her maiden name? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-quarter.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir; my grandmother had.
Q Your grandmother had what? A Had her enrolled.
Q Where was she enrolled? A She was enrolled, I forgot the place.

To attorney:

- Q Has her mother ever been enrolled? A Rebecca Bond shows to have been that is through whom we claim.

To applicant.

- Q Has your mother ever been enrolled here in the Indian Territory? No, sir; she was married away from here when she was a small child.

#2

- Q Was she enrolled here in Indian territory as an Indian? A No, sir; she was enrolled in Mississippi.
- Q How old would your mother be if living now? A About seventy-five years old.
- Q You claim she was enrolled in 1830 or thirty-one? A 1830 I think.

By attorney.

- Q He is asking you about your mother ; don't confuse yourself; don't answer about your grandmother now.

By the Commission.

- Q The question was do you claim that your mother was enrolled in 1830, in Mississippi or 1831, in Mississippi or if you don't know say you don't know? A No, sir; I don't know.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q Is he a white man or Indian? A He is a white man.
- Q What is his name? A John Milam.
- Q You make any application for him? A No, sir.
- Q Have you any children under twenty-one years of age that you want to make application for, unmarried? A Four.
- Q What is the name of the oldest? A Willie.
- Q He is not married either? A No, sir; it is a girl.
- Q How old is she? A She was sixteen years old last August.
- Q What is the name of the next? A Jimmie.
- Q Boy or girl? A Boy.
- Q He is how old? A Fourteen years old last August.
- Q What is the name of the next? A Ury.
- Q How do you spell that? A U-r-y.
- Q Boy or girl? A Girl.
- Q How old? A Eleven years old last April.
- Q Next? A Hattie Flimmie.
- Q How old? A Seven years old in April.
- Q Any more? A I have two children that is married.
- Q They will have to make application for themselves; Is John Milam the father of these children? A Yes, sir.
- Q And you are the mother? A Yes, sir.
- Q These are all your own children? A Yes, sir.
- Q Were either you or your husband married before you married each other? A No, sir.
- Q You and he and children are living together at home? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for your self and your children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application before either the Choctaw tribal authorities, or the Dawes Commission at any time previous to this application you are making now? A No, sir.
- Q Do you now come before the Commission to identify your self as a Mississippi Choctaw and to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir; not well I don't.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 227th day of September 1830. The object of that treaty was the removal, as far as possible, of the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty of 1830. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply in any way with article fourteen of the treaty? A No, sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A ----

To attorney.

Q Who does she claim through? A ----

Q A Rebecca Bonds.

Q Whom do you claim through? A Rebecca Bonds.

Q Who was she? A My grandmother.

Q How much Choctaw blood did Rebecca Bonds have? A She was a full blooded Choctaw.

Q Did she live in the state of Mississippi in 1830? A Yes, sir.

Q Was she the head of a family there then? A Yes, sir.

Q Your mother was living there; she was born in 1830; that is she was living there at that time? A Yes, sir.

Q And was about five years old? A Yes, sir.

Q In 1830? A Yes, sir.

Q Did Rebecca Bonds have a Choctaw Indian name? A Yes, sir.

Q What was it? A Her name that you spoke of.

Q No, an Indian name--Choctaw Indian name? A I don't know.

Q What was the name of her husband. A John Bonds.

Q B-o-n-d-s? A Yes, sir.

Q Do you know whether that name was Bond or B-o-n-d-s? A B-o-n-d.

Q She married John Bond? A Yes, sir.

Q Was he a white man? A Yes, sir.

Q Did Rebecca Bond have children in Mississippi in 1830 or in other words was she the head of a family there then? A Yes, sir.

- Q Did she own any improvements on land in the old Choctaw Nation in 1830? A I don't know that but I suppose she did.
- Q You don't know? A No, sir; I won't be certain.
- Q Did she or any others of your Choctaw ancestors go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Yes, sir.
- Q How do you know that? A Because I have often heard my mother speak of it.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Well sir, I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Well I don't know that they did; I suppose they did though; I would not be certain.
- Q You don't know? A No, sir; I don't know.
- Q Do you claim that Rebecca Bond was a Choctaw Indian and a beneficiary in the state of Mississippi under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you claim that her name is to be found upon any of the tribal rolls of the Choctaw nation? A Yes, sir.
- Q Now do you claim that your grandmother Rebecca Bond the wife of John Bond had her name placed upon a roll of Mississippi Choctaw Indians; do you know? A Yes, sir.
- Q Now do you know whether that name was placed upon a list of beneficiaries under article fourteen of the treaty of 1830 or article nineteen of that treaty? A I don't know.
- Q Now do you know that Rebecca Bond whose name appears upon the roll of Mississippi Choctaw Indians is your grandmother? A Yes, sir.
- Q How do you know that? A Because I have heard my mother speak of it and my brothers and sisters that are older than me.
- Q You know from family history and tradition then that this Rebecca Bond whose name appears upon one of these rolls is your grandmother? A Yes, sir.
- Q Did she ever receive any land in Mississippi then? A I don't know but I suppose she did.
- Q How is it that you don't know she did; her name is on the roll or list of Choctaw Indians? A I was a small child.
- Q Yes, but your mother might have known and told you or somebody else might have known and told you? A My mother told me that my grandmother was full blooded Indian.
- Q That is not what I asked; I asked how do you know that your grandmother Rebecca Bond received land in Mississippi? A I told you I don't know.
- Q You have already stated that Rebecca Bond, whose name appears upon one of the Choctaw lists is your grandmother; she appears there as one who had land in Mississippi; what I want you to do is to connect by your testimony if you possibly can your own relationship to this same Rebecca Bond whose name appears upon this list as shown by the list referred to on page 58, of volume 7, American State Papers, where the name of one Rebecca Bond (wid. of Jno. Bond) in a list of beneficiaries, Choctaw Indians who received benefits and lands in Mississippi in Number 1, district of Chief Ni-ta-cha-chi, these were beneficiaries in said district under article nineteen of the treaty of 1830. Now what proof have you further that this Rebecca Bond, is your grandmother; any other proof you have; all I want to do is to

connect you with that grandmother as well as I can through your testimony; if you don't know you can say so, if you do know state what you do know and state what you heard and through whom you heard it; that that Rebecca Bond is your grand mother?

A I have heard my mother speak of her being my grandmother.

Q Did you ever hear your mother say about her getting any land?

A No, sir.

Q Or if she did take land and let it go for Taxer? A No, sir.

Q You never heard of that property at all? A No, sir.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States under article fourteen. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a great many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by act approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? A No, sir; not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had occupied in Mississippi in the old Choctaw Nation and which the government had taken from them and sold? A Not that I know of.

Q Have any of your kin-folks been before this Commission and made application to be identified as Mississippi Choctaws before this date? A Yes, sir.

To attorney;

Q What name do you want to give? A John Seago.

Q Is that the principal case? A I think it is the oldest brother. I want to ask to group them

Q What relation is he to you? A My nephew.

Q Is he the oldest applicant of your relatives who have applied? A No, sir; we have a sister who is older than him.

By attorney.

Q Give her name? A Mollie Cheatam.

By the Commission.

Q John W. Seago is how related to you? A My sister's son.

- Q Your nephew? A Yes, sir.
Q He made application to be identified? A Yes, sir.

His number 3819 is here referred to for the purpose of consolidating this case.

- Q Who is Theodocia C. Seago? A That is my niece.
Q Who is James T. Seago? A He is a nephew of mine.

His number 3811 is here referred to.

- Q Who is Zedekiah Seago? A I don't know who he is; he is a Seago, I suppose.
Q Is he a relative of yours? A Yes, sir.
Q Who is Albert Cheatham? A That is my niece's husband.

His number is 3814.

- Q Who is Ollie Lattimer, do you know? A No, sir; I don't know, I suppose Mr. Johnson knows.
Q Is that a relative of yours do you know? A No, sir; I don't know to be honest because my sister left that Country when I was small.
Q Who is Mary Ann Cheatham? A That is the one that I called Mollie a while ago.
Q What relation is she to you? A She is my niece.

Number 4017 is referred to.

- Q Who is Alpha May Morrison, et al.? A That is another,----I don't know.
Q Do you know whether she is a relative of yours? A No, sir; I don't know.
Q Have you any evidence that you want to introduce in support of this claim? A

Attorney; she has an application she wants to file.

The statement of this applicant presented by her, received filed, marked exhibit "A" and made a part of the record in this case.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there anything more you want to say in support of this claim? A Yes, I want my two children put on.
Q What are the names of your married children? A Nancy Elizabeth Pierson and Lillie Sikes.
Q Where does the first live? A All live in Henderson County, Tennessee.
Q What post office? A Fleyville.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes; light brown hair.

- Q You don't speak or understand the Choctaw language? A No, sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article thirteen of the treaty of 1830.

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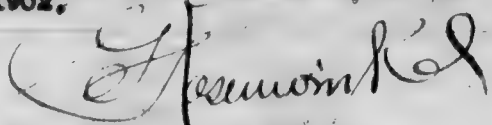
By attorney Johnson.

We want sufficient time in order to furnish other evidence.

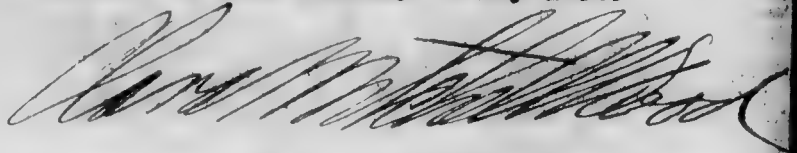
By the Commission.

A reasonable time will be allowed this applicant in which to furnish other evidence in support of this application.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.



Subscribed and sworn to before me this 7th day of May 1902.



Notary Public.

918
C.V.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John W. Seago,
et al., for identification as Mississippi Choctaws,
consolidating:

John W. Seago, et al.,	M.C.R. 3809
Theodosia C. Seago, et al.,	M.C.R. 3810
James T. Seago, et al.,	M.C.R. 3811
Zedekiah Seago,	M.C.R. 3812
Albert Cheatham,	M.C.R. 3813
Walter Cheatham,	M.C.R. 3814
Ollie Latimer,	M.C.R. 3815
Mary A. Cheatham, et al.,	M.C.R. 4017
Alpha May Morrison, et al.,	M.C.R. 4018
Mary Susan Milam, et al.,	M.C.R. 5343

----- D E C I S I O N -----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John W. Seago for himself and his five minor children, William Eddie, Bessie L., Ernest, Bertie and Mima Seago; by Theodosia C. Seago for herself and her minor child, Haston Seago; by James T. Seago for himself and his three minor children, Bertha, Archie and Troy Seago; by Zedekiah Seago for himself; by Albert Cheatham for himself; by Walter Cheatham for himself; by Ollie Latimer for herself; by Mary A. Cheatham for herself and her four minor children, John W., James E., Georgia E. and Mary Ann Cheatham; by Alpha May Morrison for herself and her two minor children, Stella and John E.

Morrison, and by Mary Susan Milan for herself and her four minor children, Willie, Jimmie, Ury and Hattie Flossie Milan, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Martha McCoy (nee Bond) who is alleged to have been an one half blood Choctaw Indian, and to have resided in Mississippi in 1830.

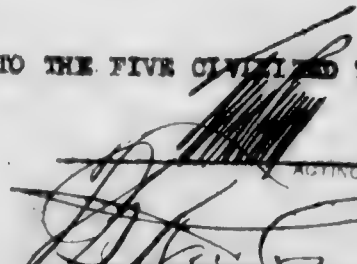
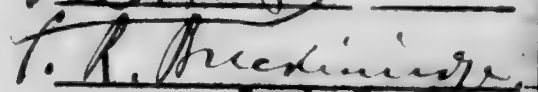
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied

or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martha McCoy, (nee Bond) or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Nina Seago, Theodora C. Seago, Hanton Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Zedekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John W. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milam, Willie Milam, Jimmie Milam, Ury Milam and Hattie Fannie Milam as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


ACTING CHAIRMAN.

F. R. McQuinn
Commissioner

Muskogee, Indian Territory

JUN 4 1902

COPY. M C R 5343

Muskogee, Indian Territory, June 5, 1902.

Mary Susan Milan,

Floyville, Tennessee,

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.,	M C R 3809
Theodosia C. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Zedekiah Seago,	M C R 3818
Albert Cheatham,	M C R 3815
Walter Cheatham,	M C R 3814
Ellie Latimer,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha May Morrison, et al.,	M C R 4018
Mary Susan Milan, et al.,	M C R 5343.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which in as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

M.S.M., 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Mina Seago, Theodosia C. Seago, Masten Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Zerkiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John W. Cheatham, James H. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha E. Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milan, Willie Milan, Jirde Milan, My Milan and Hattie Elminie under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James D. Dwyer

Registered.

Acting Chairman.

Land
33815-1902.

Copy
(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON? July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record and proceedings had in the consolidated Mississippi Choctaw case of John W. Seago, et al., before the Commission to the Five Civilized Tribes. The principal applicants in the cases consolidated herein are as follows:

John W. Seago, et al.,
Theodosia C. Seago, et al.,
James T. Seago, et al.,
Zedekiah Seago,
Albert Cheatham,
Walter Cheatham,
Ellie Latimer,
Mary A. Cheatham, et al.,
Alpha May Morrison, et al.,
Mary Susan Milam, et al.

John W. Seago is the principal applicant in the case first above mentioned, and as all of the applicants base their claim upon the same state of facts and same common ancestry, the office's statement relative to the said John W. Seago will be applicable to all of the applicants herein.

The said John W. Seago avers that he is 36 years old; that he resides at Gunter, Texas; that he is the son of John Seago and Rebecca Seago whose maiden name was Rebecca McCoy; that the said Rebecca

McCoy was the daughter of Martha Bond who married Callaway McCoy; that his said grandmother, Martha Bond, was the daughter of Rebecca and John Bond; and that his said great grandmother, Rebecca Bond, was about three-quarter or probably full blood Mississippi Choctaw Indian and lived and died in the old Territory.

He also avers that the McCoy's were part Indian; that his grandmother, Martha Bond, was about one-half blood- and that his great grandfather, John Bond, was a white man. He further avers that his parents emigrated from the State of Mississippi to Tennessee where he was born.

While the said principal applicant seems to have a rather full knowledge of his ancestors, he is unable to state whether or not any of them ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, of September 27, 1830. He is unable to state whether or not any of them ever held land under the provisions of said treaty, and there are no records brought by him to show that any patent or other instrument in writing was ever given to any of his ancestors for any land under said treaty.

The only testimony submitted by the applicant in support of his claim is an ex parte affidavit by Elijah Colbert who claims to be something like 100 years old; that he was a slave and belonged to Holmes Colbert; that he was brought to the Indian Territory and stopped near Red River; that he was a young man nearly grown at that time, but that it was after the treaty of Dancing Rabbit Creek. He claims to have been acquainted with a family by the name of Bond who

lived near his master's settlement in Mississippi; claims they had some land there, but does not know how it was secured. The affiant has no positive knowledge as to the relationship of the applicant with these parties that he knew in Mississippi. He knows nothing of their having complied with any treaty agreement; alleges that he is uneducated, and considering his great age, and the length of time he has been absent from the State of Mississippi, what little evidence he does give would seem to be of a rather uncertain character.

The office concludes from the whole record that the applicant has been unable to submit any satisfactory proof that any of his ancestors ever complied with the 14th article of said treaty, or that they ever appeared before the commissions authorized by the Act of Congress of March 3, 1837, (5 Stats., 180) or that of August 23, 1842, (5 Stats., 513). The office records fail to add any evidence to that enclosed in the record herein, for upon the examination of the office records pertaining to those Mississippi Choctaws who complied with said section or appeared before said Commission for the purpose of securing the benefits of complying with said section, neither the name of Rebecca McCoy or Seage nor that of Martha Bond or McCoy is to be found upon said records.

In view of the above, the office considers that the decision of the Commission in said consolidated case rendered on June 4, 1902, to the effect that as the evidence in the case is insufficient to determine the identity of the applicants as Choctaw Indians entitled

to rights in the Cheetaw lands their application for identification should be refused, should be approved, and the office so recommends to the Department.

Very respectfully,
Your obedient servant,

A. C. Tonner,,
Acting Commissioner.

W.C.B.(S)

(COPY)

D.C.No. 12788-1902.

45915

J.V.H.
CMB

DEPARTMENT OF THE INTERIOR.
I.T.D. 4578-1902. WASHINGTON, August 2, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws, of John W. Seago for himself and his five minor children, William Eddie, Bessie L., Ernest, Bertie, and Mima Seago; of Theodosia C. Seago for herself and her minor child, Haston Seago; of James T. Seago for himself and his three minor children, Bertha, Archie, and Troy Seago; of Zedekiah Seago for himself; of Albert Cheatham for himself; of Walter Cheatham for himself; of Ollie Latimer for herself; of Mary A. Cheatham for herself and her four minor children, John W., James E., Georgia E., and Mary Ann Cheatham; of Alpha May Morrison for herself and her two minor children, Etolia and John E. Morrison; and of Mary Susan Milam for herself and her four minor children, Willie, Jimmie, Ury, and Hattie Flimmie Milam. You transmitted the record June 5, 1902, together with your decision of June 4, same year, denying the applications.

Applicant Mary Susan Milam attempts to trace her Choctaw descent through her mother, Martha McCoy, nee Bond, who was the daughter of Rebecca Bond, nee Fulsom. The other applicants trace their descent through Rebecca Ann Seago, nee McCoy, to the said

Martha McCoy, nee Bond, to the said Rebecca Bond, nee Fulson.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stat. s., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded your decision of July 28, 1902, and recommends that the same be approved.

The Department, upon careful review of the whole case, approves your action, and your decision is affirmed.

Copy of report of the Acting Commissioner is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.
END

1 inclosure.

L.C.R. 5343

Muskogee, Indian Territory, August 13, 1902.

Mary Susan Milan,

Playville, Tennessee.

Dear Madam:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John V. Seage, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, March 11, 1903.

B. F. McCoy,
Bargerton, Tennessee.

Dear Sir:

Receipt is hereby acknowledged of your letter of March, 1903, in which you state that you are possessed of Choctaw Indian blood and desire to present your claim to land in the Choctaw Nation. You state that some of your relatives, Susan Milam, J. W. Seago and J. T. McCoy have already appeared before this Commission.

In reply to your letter you are advised that it appears from our records that John W. Seago and Mary Susan Milam are applicants to this Commission for the identification of themselves and their children as Mississippi Choctaws.

It further appears that on June 4, 1902, the Commission rendered its decision refusing these applications, and on June 5, 1902, the applicants were notified of this action of the Commission, and the record in the consolidated case of John W. Seago, et al., was forwarded to the Secretary of the Interior. On August 2, 1902, the Secretary of the Interior affirmed the decision of the Commission and the applicants were notified of this departmental action on August 13, 1902.

If you still desire to present an application for identification as a Mississippi Choctaw, you are advised that the au-

thority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in a provision of the twenty-first section of the act of Congress of June 28, 1898, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Ala-

bama in 1830, and who complied or attempted to comply with the provisions of article above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw Indian under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves

B F MoC 4

in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

John W. Seago Esq
MCR 3809

For Identification as a Mississippi Choctaw.

Date APR 21 1902

Name Mary Susan Milam

Age 44 - Blood $\frac{1}{4}$

Post-Office, ~~Floyville~~ Floyville, Tenn.

Father: Calvin M^cCoy. d

Mother: Martha Ann " d

Claims through mother's
husband John Milam, l.w.

No claim for husband

Children:

Willie Milam (F.) 16

Jimmie " (M) 14

Ury " (F.) 11

Wattie F. " (F) 7

Claims for self
and minor children.

APR 24 1902

Enographer G. Rosenmiller

Choctaw MCR 5344

Carrie Gardenhire

MCR 5344

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Carrie Gardenhire, et al.,
for identification as Mississippi Choctaws, M C R 5344.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each in
said record.

Original application of Carrie Gardenhire, et al., for identification as Mississippi Choctaws.	Page. 1
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Final decision of the Commission in the case of
Carrie Gardenhire, et al., applicants for identi-
fication as Mississippi Choctaws, refusing said
application.

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pp-----pp

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 24, 1902.

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In the matter of the application for identification as Mississippi Choctaws of Carrie Gardenhire for herself and her five minor children, Ira Lillia n, Charlie Howard, Jewel Hortense, Forrest Earl and Cecil Guy Gardenhire.

J. G. Ralls, attorney appearing for applicants.

Carrie Gardenhire being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Carrie Gardenhire.
Q What is your age? A Thirty-one.
Q What is your post office address? A Millwood.
Q Indian Territory? A No, sir; Collin County, Texas.
Q How long have you lived there? A I have lived there off and on,
----I have been raised there,--I have been there four years.
Q Where were you born, in Texas? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Milton C. Penry,--P-e-n-r-y.
Q How do you spell the last name? A P-e-n-r-y.
Q What was your mother's married name? A Sarah Penry.
Q How much Choctaw blood do you claim to have? A I don't know
anything about how much Choctaw blood they claim.
Q Through which parent do you claim Choctaw blood? A My mother.
Q Has your mother ever been recognized as a Choctaw Indian or en-
rolled as one by the Choctaw tribal authorities in Indian Terri-
tory? A Not that I know of.
Q Is your husband living? A Yes, sir.
Q Is he a white man or Indian? A White man.
Q What is his name? A J. L. Garden hire.
Q You make no claim for him? A No, sir/
Q How many children have you? A Five.
Q Give me the name of the oldest? A Ira Lillian.
Q How old is Ira? A Fourteen.
Q Next? A Charlie Howard.
Q What is his age? A Ten years old.
Q Next? A Jewel Hortense.
Q J-e-w-e-l-l? A No answer.
Q Two "L's"? A Just one.
Q That is a girl? A Yes, sir.
Q How old? A Y Three years last July.
Q Next? A Forrest Earl.
Q F-o-r-r-l? A No, answer.
Q How old? A Two.
Q What is the name of the baby? A Cecil Guy.
Q How old? A Three months old.
Q Is your name or the names of any of these children on any of the
tribal rolls of the Choctaw Nation in Indian Territory? A No,
sir.

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- Q Is John L. Gardenhire the father of these children? A Yes, sir.
- Q Were either you or he married before you married each other? A No, sir.
- Q The children live with you at your home? A Yes, sir.
- Q Your husband and you are living together? A Yes, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 18-6? A No, sir.
- Q This is the first application you have ever made either to the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Yes, sir.
- Q Neither you nor your children have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830; you claim under article fourteen of that treaty? A How is that; I don't understand that question.
- Q You want to be identified as a Mississippi Choctaw? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi. It was made there on the 27th day of September 1830. The object of that treaty was the removal of the Indians of the Choctaw Nation from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards ratified; that article reads as follows:

"Each Choctawhead of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes, I think I do.
- Q Did any of your ancestors comply or attempt to comply with that article of that treaty? A I don't know.

- Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A on my mother's side, my grandmother, her name is Farris or Ferris it is a kind of a mistake with us. They are all in Mississippi.
- Q Do you know the first name? A Sarah Ann I think, was grandmother's name.
- Q Did she speak Choctaw? A I could not tell you.
- Q How much Choctaw blood did she have? A I don't know that even.
- Q Did she live in Mississippi? A Yes, sir.
- Q Did she live therein 1830 and have a family there then? A I suppose so.
- Q She was the head of a family there in Mississippi in 1830 then? A Yes, I guess she was.
- Q You are not quite sure? A No, sir; but then I know she must have been, she was a very old lady when she died; she has been dead about three or four years.
- Q How old a lady was she when she died? A My mother would have been about seventy if she were living now, but I don't know how old grandmother was.
- Q What was her maiden name do you know? A That was her maiden name, she married a James Cade.
- Q Was he a white man? A Yes, sir.
- Q Did she or any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, ask land there and become citizens of the United States? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know that.

The Choctaw Indians who lived in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 3rd of that year, a Commission was appointed by Congress and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits as Choctaw Indians that you ever heard? A No, sir; not that I ever heard.

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- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that they had formerly owned in the old Choctaw Nation which the government had taken from them?
A Not that I know of.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A No, sir.
- Q Have you any other evidence you want to introduce at this time? A No, sir; I guess not.

This applicant has the appearance and physical characteristics of being descended from white parentage; She has medium dark complexion; dark brown hair; gray eyes

- Q Do you speak or understand the Choctaw language? A No, sir.

She does not understand or speak the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Examination by attorney Ralls.

- Q Who are these relatives in Mississippi? A Well my mother's brother's, the Cade boys.

By the Commission.

- Q What are their names? A Well I don't really know, one his name is Joe and the other Jeff; there are one or two of them dead and I believe there are two girls but I don't know whom they married and what their names are now.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of May 1902.

Charles H. Sawyer
Notary Public.

J.B.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Carrie Gardeshire,
et al., for identification as Mississippi Choctaws, M C R 1344.

--- D E C I S I O N : ---

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Carrie Gardeshire for herself and her five minor children, Iva Lillian, Charlie Howard, Jewel Bertonne, Forrest Earl and Cecil Guy Gardeshire, under the following provision of the act of Congress approved June 25, 1906, (34 Stat., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Sarah Ann Gade (nee Harris) (or Harris), who is

alleged to have been possessed of ~~some~~ Choctaw Indian blood (degree thereof not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sarah Ann Gade (nee Farris) (or Ferris), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Carrie

3.

Gardenhire, Iva Lillian Gardenhire, Charlie Howard Gardenhire, Jewel Hortense Gardenhire, Forrest Earl Gardenhire and Cecil Guy Gardenhire as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

James Bixby.

Acting Chairman.

SIGNED

T. P. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

NOV 20 1902

COPY.

M.C.R. 5344

Muskogee, Indian Territory, November 20, 1902.

Garrie Gardenhire,
Millwood, Texas.

Dear Madam:

You are hereby advised that on the 20th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Garrie Gardenhire, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Garrie Gardenhire, Ira Lillian Gardenhire, Charlie Howard Gardenhire, Jewel Hortense Gardenhire, Forrest Earl Gardenhire and Cecil Guy Gardenhire as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

S.O. 2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY:

M.C.R. 5344

Muskogee, Indian Territory, November 30, 1902.

J.O. Ralls,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Carrie Gardenhire, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Carrie Gardenhire, Ira Lillian Gardenhire, Charlie Howard Gardenhire, Jewel Hertsense Gardenhire, Forrest Earl Gardenhire and Cecil Guy Gardenhire, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

S.G.R.-----2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY

M. S. R. 5344

Muskogee, Indian Territory, November 20, 1902.

Mannfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Carrie Gardshire, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Carrie Gardshire, Ira Lillian Gardshire, Charlie Howard Gardshire, Jewel Horneuse Gardshire, Forrest Earl Gardshire and Cecil Guy Gardshire, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such, should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M. McM. & C., -----2

file arguments in this office, and that at the expiration of said
time the papers in the case, together with such arguments, will be
forwarded for review to the Secretary of the Interior through the
Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

00P

Muskogee, Indian Territory, December 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Carrie Gardenhire, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

RECORDED

James B. Birney
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5344

5344

Muskogee, Indian Territory, December 15, 1902.

L. Gade, Postmaster,
Millwood, Texas.

Dear Sir:

Referring to your letter of the 5th instant, addressed to the postmaster at Muskogee, Indian Territory, advising that registered letter No. 2574 from the Commission addressed to Carrie Gardenshire, cannot be delivered, you are informed that if after diligent effort delivery of the letter cannot be made to the addressee, you may return the same.

Respectfully,

Acting Chairman.

Land.
73217-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Feb. 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Carrie Gardenhire for herself and her five minor children, Ira Lillian, Charlie Howard, Jewel Hortense, Forrest Earl, and Cecil Guy Gardenhire for identification as Mississippi Choctaws claiming rights under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Sarah Ann Cade (nee Farris or Ferris), who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi in 1830, through her daughter, Sarah Penry.

The Commission rejected the applicants November 20, 1902, because the names of their ancestors through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, and for the additional reason that the applicants had never been enrolled as

citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Sarah Ann Cade (nee Farris or Ferris) and Sarah Penry, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to the commissions appointed under the Acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if they had any as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

(Signed)

A. C. TONNER,

Acting Commissioner.

C.T.C.(S)

D.C.8426-1903.
I.T.D.2280-1903.
L.R.S.

C O P Y.

W.H.R.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

March 24, 1903.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 6, 1902, you transmitted the record in the matter of the application of Carrie Gardenhire, for the identification of herself and five minor children, Ira Lillian, Charlie Howard, Jewel Hortense, Forrest Earl and Cecil Guy Gardenhire (M.C.R.5344), as Mississippi Choctaws, including your decision of November 20, 1902, adverse to the applicants.

The principal applicant, Carrie Gardenhire, is the daughter of Milton C. and Sarah Penry, both deceased. Descent is claimed through her mother, said Sarah Penry, to her grandmother, one Sarah Ann Cade (nee Farris or Ferris), who is alleged to have been possessed of some Choctaw blood (degree thereof not stated), and to have resided in Mississippi in 1830.

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Sarah Penry or Sarah Ann Cade (nee Farris or Ferris), or a less remote ancestor, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 27, 1903, the Acting Commissioner of Indian Affairs stated:

An examination has been made of the records of this office with reference to the names of Sarah Ann Cade (nee Farris or Ferris) and Sarah Penry, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if they had any as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

The Department concurs in the recommendation of the Acting Commissioner, a copy of whose report is inclosed, and your decision of November 20, 1902, refusing to identify the applicants, is hereby affirmed.

Respectfully,

(Signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Carrie Gardenshire, et al., of which decision you were advised by mail on the 20th day of November, 1902.

Respectfully,

Tamie B. Bly
Chairman.

M.C.R. 5344

Muskogee, Indian Territory, March 31, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Carrie Gardenshire, et al., of which decision you were advised by registered mail on the 20th day of November, 1902.

Respectfully,

Tame Dinky
Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5344

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 31, 1903.

Carrie Gardenshire,
Millwood, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Carrie Gardenshire, et al., of which decision you were advised by registered mail on the 20th day of November, 1902.

Respectfully,



Chairman.

Muskogee, Indian Territory, September 27, 1904.

Rebecca Gardenhire,

Bailey, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask to be advised why your application for identification as a Mississippi Choctaw was rejected by the Commission.

In reply to your letter you are informed that our records do not show that any person by the name of Rebecca Gardenhire is an applicant to this Commission for identification as a Mississippi Choctaw. However, it appears from our records that on March 24, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by Carrie Gardenhire for the identification of herself and five minor children as Mississippi Choctaws, of which departmental action this applicant was duly advised on March 31, 1903.

The Commission now considers this case closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

JD

Chairman.

For Identification as a Mississippi Choctaw.

Date

APR 21 1902

Name Carrie Gardenhire.

Age 31 — Blood Don't know.

Post-Office. Millwood, Texas

Father. Milton C. Penry d

Mother. Sarah " d

Claims through mother
Husband.

J. L. Gardenhire. l.w.

No claim for husband.

Children.

Ira L. Gardenhire 14

Charlie H " 10

Jewel H. " (F.) 3

Forrest Earl " 2

Cecil Guy " 3 m

Claims for self
and children

Stenographer G. Rosenwald

5344



MISSION TO THE F.
FILED
MAY 4 1903

[Handwritten signature]

CHIEF

UNCLASSIFIED
RETURNED TO WRITER



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Carrie Gardenshire,

Willwood, Texas

Choctaw MCR 5345

James J. Nelson

See MCR 5346, 5347

MCR 5345

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of James J. Nelson, et al., for identification as Mississippi Choctaws, consolidating the applications of

James J. Nelson, et al.,	M. C. R. 5345
Joseph Nelson,	M. C. R. 5346
Bittick Nelson,	M. C. R. 5347

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of James J. Nelson, et al., for identification as Mississippi Choctaws.	1
Examination of Samuel Perry before the Commission in support of application.	6
Power of attorney of B. E. Nelson to J. J. Nelson.	11
Affidavit of Bethena B. Nelson as to the family Bible record.	12
Original application of Joseph Nelson for identification as a Mississippi Choctaw.	13
Original application of Bittick Nelson for identification as a Mississippi Choctaw.	17
Examination of Joseph E. Nelson before the Commission in support of applications.	21
Decision of the Commission refusing the consolidated application of James J. Nelson, et al., for identification as Mississippi Choctaws.	23

Department of the Interior.
Commission to the Five Civilized Tribes/
Muskogee, I.T. April 24, 1902.

In the matter of the consolidated case of James J. Nelson, et al., applicants for identification as Mississippi Choctaws, embracing the applications of

James J. Nelson, et al.,
Joseph Nelson,
Bittick Nelson,

M.C.R. 5345,
M.C.R. 5346,
M.C.R. 5347.

B. S. Johnson attorney appearing for applicants.

Joseph E. Nelson called as a witness in support of above applications being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph E. Nelson.
Q What is your age? A Fifty-three.
Q What is your post office? A Durant, Indian Territory.
Q How long have you lived there? A Over two years.
Q Where did you come from? A I came from,--I was born and raised close to the,--Miami County.
Q In what state? A In the Choctaw Nation.
Q Always lived in the Choctaw Nation? A Yes, sir.
Q Are you related to these three boys, James J. Nelson, Joseph Nelson and Bittick Nelson? A I must be; my father he had six brothers and Joe Nelson I think is the oldest brother to my father.
Q Which Joe Nelson was that? A Their great grandfather's boy here. Mitchell Nelson is my father and a brother of their great grandfather Joe Nelson.
Q How long have you known these boys? A I have not been knowing them until I came over to Durant; I had been told that some of the Nelson family had located in Texas but I had never met them before.

Examination by attorney B. S. Johnson.

- Q These people you say, Joseph Nelson, their father, was what kin to you? A Joe Nelson the great grandfather of these boys he is my uncle.
Q Where did he live and die? A I think in Mississippi he did not come to this Country at all.
Q You say that that Joseph Nelson was a brother of your father? A Yes, sir; my father's oldest brother.
Q Are you an enrolled citizen? A Yes, sir.
Q Choctaw? A Yes, sir.
Q When did your father come here to the Territory? A I don't think I,--I don't know if I aint' mistaken he came to this Country in 1831 or 1832.
Q He came along the first? A Yes, sir.
Q You know he had a brother who remained their by the name of Joe? A Yes, he had two or three brothers that remained there.
Q From what you know you understand these boys to be descendants of that Joseph Nelson? A That is what he claims; I was told by my father before he died that Joe Nelson had a son by the name of

#2

Johnson and Jesse Nelson; of course I don't know anything about it; I was not then; I was born and raised in this Country; I just learned from my father.

- Q Now then from that information and other information received from these parties you make your calculation that you are related to these boys? A Yes, on my father's side.
- Q Do you know whether or not your father's father, that is Joseph Nelson these boys great grandfather; do you know whether or not he made any effort to comply with that treaty and took land in Mississippi? A No, sir; I don't know.
- Q You do not know that fact? A No, sir.

Witness excused.....

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 25, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 8th day of May 1902.

Charles H. Sawyer
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 24, 1902.

5345

In the matter of the application for identification as Mississippi Choctaws of James J. Nelson for himself and for his four minor brothers Charlie, Robert, John and Tom Nelson and for his minor sister Emma Nelson.

B. S. Johnson attorney appearing for applicants.

James J. Nelson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James J. Nelson.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Durant.
Q Indian Territory? A Yes, sir.
Q How long have you lived there? A About four or five months.
Q How long have you lived in Indian Territory? A About five months.
Q Where did you live before that? A Texas.
Q Where were you born? A Texas.
Q What is your father's name? A Joseph.
Q Joseph Nelson? A Yes, sir.
Q Is he living? A No, sir; he is dead.
Q Mother dead? A No, sir; she is living.
Q What is her name? A Bethana, B-e-t-h-a-n-a.
Q Is it Bethana Nelson? A Yes, sir.
Q You claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A I don't know, I could not say.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q When and where were your father and mother married? A Scott County, Virginia.
Q By a minister and under a license? A Yes, sir.
Q Have you proof of their marriage here? A No, sir; I have not.
Q You think you can file it later? A Yes, sir.

A reasonable time is allowed for that purpose.

- Q Are you married? A No, sir.
Q Do you make application for anybody else besides yourself to-day?
A Yes, for my ---application for those miners we were talking about a little while ago.
Q How related to you? A Brothers and sister.
Q All under age and unmarried? A Yes, sir.
Q Is there father living? A No, sir.
Q How long has he been dead? A About ten years the 29th of this coming August.
Q Is their mother living? A Yes, sir.

- Q Where is she living now? A At Durant.
- Q Who is she supported by? A I support her.
- Q And these children? A Yes, sir.
- Q She is a white woman? A Yes, sir.
- Q What is the name of the oldest relative that you want to make application for? A Charlie Nelson.
- Q How old is he? A He is nineteen.
- Q Next? A Robert.
- Q How old? A Seventeen.
- Q Next? A John, age fifteen.---Tom age thirteen and Emma age eleven.
- Q Is that all? A Yes, that is five.
- Q What is the name of the father of these children? A Joseph
- Q What is the full name? A Joseph Nelson.
- Q Is he living? A No, sir.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he have Choctaw blood? A Yes, sir but I don't know exactly how much.
- Q What is the name of the mother? A Bethena Nelson.
- Q Same father and mother as yours? A Yes, sir.
- Q The claim you make for these children is through the same parentage and is identically the same as your claim? A Yes, sir.
- Q These children are all living with you at your home at Durant, Indian Territory? A Yes, sir.
- Q Is your name or the names of any of these minor relatives of yours on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you or has any one for you or these children ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you or has any one for these children ever made application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application you have ever made or is this the first application that has ever been made for these minor children to either the Dawes Commission or the Choctaw tribal authorities for enrollment or citizenship in the Choctaw Nation? A Yes, sir.
- Q You make this application for these children because they are your brothers and sister and live with you at their home and are dependent upon you? A Yes, sir.
- Q You have never been legally appointed their guardian? A No, sir.
- Q But you make this application with their knowledge and consent? A Yes, sir.
- Q How long has your father been dead? A Ten years.
- Q You remember the date of his death? A It will be ten years August the 29th,--of this August.
- Q You are the head of the family and have been since your father died? A Yes, sir.
- Q You come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I don't know that I do thoroughly understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in that state. The object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and

in order to protect the interests of those people article fourteen was drafted and put into the treaty of 1830. It reads as follows:

"Each Choctawhead of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Joe Nelson, My grandfather or great great grandfather I mean.
- Q What relation was he to you? A Great grandfather.
- Q Did he live in Mississippi in 1830? A That is what I have always been told.
- Q Was he the head of a family in Mississippi at that time? A Yes, sir.
- Q How much Choctaw Indian was he? A I don't know.
- Q Never heard? A No, sir.
- Q What was his wife's name? A I don't know that even.
- Q Was she a Choctaw? A I don't know.
- Q How old would Joe Nelson be if living now? A I don't know that even.
- Q You claim through your father; is your father living? A No, sir.
- Q How old would he be if living now? A He would be let me see about sixty years old.
- Q Where was he born? A In Virginia.
- Q Removed from there to where? A He lived there in Virginia until he moved to Texas.
- Q Have any of your Choctaw ancestors ever had any improvements on land in Mississippi and Alabama in the old Choctaw Nation in 1830? A Well I have been told that they had.
- Q Where? A In Mississippi.
- Q You know what these improvements were? A No, sir.
- Q What became of the land upon which they were? A I don't know.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know that.

- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi and Alabama under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go with the other Indians to the Choctaw Nation West of the Mississippi River under the treaty of 1830, were required if they wanted to take advantage of the provisions of article fourteen to go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register and his neglect to make a full and complete registration of all of these Choctaw Indian claimants under article fourteen caused a good many Indians who had land in Mississippi and Alabama upon which they had improvements to lose both, for they were both taken from them by the government and sold. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 1st of that year Commissioners were appointed by Congress who went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen; if it also further appeared that he had had land taken from him by the government in the old Choctaw Nation that he should be entitled to select land either in Mississippi, Alabama, Louisiana, or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know sir.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A None that I know of personally.

By attorney; Joe Nelson, who is enrolled already as a Choctaw Indian is here to testify to the fact that they are related to him.

- Q You have no relatives who have appeared before this Commission to be identified as Mississippi Choctaws? A Just as I said a while ago, none that I know of personally.
- Q Well do you know of any in any way? A No, sir.

Attorney; He has no relatives who have applied as Mississippi Choctaws.

- Q But you have a relative who has been enrolled as a Choctaw by blood? A Yes, sir.

#5

- Q His name is what? A Joe Nelson.
Q Where does he live? A At Durant or near there.
Q Have you any other evidence you want to introduce now in this case? A -----

By attorney Johnson.

- Q You stated that your grandfather's name was John Nelson, great grandfather? A Yes, sir.
Q What was your grandfather's name? A His name was John Johnson.
Q Now then you claim through your father; what was his name? A Joe.
Q Through your grandfather and great grandfather? A Yes, sir.

By the Commission.

- Q On your father's side? A Yes, sir.

By attorney Johnson.

- Q Have you any brothers here at present to apply as Mississippi Choctaws? A Yes, two.
Q What are their names? A Joseph and Biddy Nelson.
Q What you have stated here is it from hearsay or how is it otherwise? A Mostly from hearsay.
Q Who was it that told you about your Indian blood? A I have always been told by my father that I had Indian blood; he used to speak about making application himself before he died.
Q You have said he is dead? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes; dark complexion; very dark hair almost black.

- Q You don't speak or understand the Choctaw language? A No, sir.

He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of May 1902.

Charles H. Sawyer

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 8, 1902.

M C R 5345.

In the matter of the application of James J. Nelson, et al.,
for identification as Mississippi Choctaws, M. C. R. 5345.

Additional Testimony of Samuel Perry.

B. S. Johnson, Attorney for Applicants.

Samuel Perry being called as a witness by applicants, after being
first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Samuel Perry.
Q How old are you? A In my eighty-ninth years.
Q What is your post office address? A Lehigh, Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I have made
it my home for the last four years.
Q Where did you live before that? A On the Blue place near
Cross Roads in Chickasaw Nation.
Q How long did you live there? A Fifteen years.
Q Where before that? A On Canadian.
Q In what Nation? A Choctaw Nation.
Q How long did you live there? A Only one year.
Q Where did you live before that? A Down below Fort Arbuckle.
Q How long have you lived in the Indian Territory? A I left
the Indian Territory in the Fall of '65, I left the Nation and
went north.
Q How long before you came back? A It was five or six years I
don't remember exactly.
Q When did you come to the Territory? A I can't tell you, I
was small.
Q Where were you born? A In North Carolina, and come to Miss-
issippi, I reckon was ten years old, big enough to wait on
a white man.
Q Did you move out to the Chickasaw Nation with the Chickasaws?
Q Yes sir, when they first come.
Q Were you the slave of a Chickasaw Indian? A Yes sir, my
missus lives in Gadsden now.
Q What is your occupation if you have any? A I have nothing
more than right around the yard, of course I have farms and
other people run them.
Q Are you acquainted with James J. Nelson who lives at Durant,
Indian Territory? A Short acquaintance.
Q How long have you known him? A I can't think it has been

- longer than two months.
- Q Never met him until two months ago? A I don't think I ever met him until two months ago.
- Q Do you know his father? A Well now I can't give you that on oath, but I can give you the name of a man he told me was his father.
- Q What is his name? A Joe Nelson.
- Q Do you know the name of this man's mother? A No sir, I think I made a mistake right there; Joe was the father of Johnson wasn't he? and Johnson Nelson I think was the son of Joe Nelson, but there is just the two men; I knew the old man all right.
- Q Well this boy with you is the son of Johnson Nelson? A I am satisfied he is.
- Q You can swear to that? A No sir.
- Q How old would Joe Nelson be if he were living now? A As old as I am or older; I think a little older than I am, because he was grown before I was.
- Q Where did you first get acquainted with him? A In Pontotoc County, Mississippi.
- Q How old were you then? A I can't tell, I was a good big boy. I can't tell my age.
- Q Did this man Joe Nelson have any Choctaw blood? A He was called a half breed Choctaw.
- Q What was the other half? A The other half must have been white, he said he was a half breed.
- Q Did he live among the Chickasaws? A No sir, he lived among the Choctaws.
- Q Do you know where he was living in 1830? A No sir, I don't because he made one or two moves while I knew him.
- Q Do you know the name of his father? A His father was Joe too.
- Q Were you acquainted with him personally? A Just slightly, never had any particular acquaintance with him.
- Q What was the name of this Joe Nelson's mother? A I don't know, I did not know her.
- Q I am speaking of Johnson Nelson's grandmother? A Yes sir, I can't call her name to be positive about it.
- Q Do you know where this old man Joe Nelson was born? A No sir I don't know where he was born; he lived in the upper part of Pontotoc County, Mississippi.
- Q Do you know when he married? A No sir, I was young when I got acquainted with him, and I don't think he ever come over to this country.

BY MR JOHNSON, Attorney for applicant:

- Q How old are you? A I am in my eighty-ninth year.
- Q When did you leave Mississippi? A I can't tell you the date.
- Q About when as near as you can? A A little upwards of sixty years since I left there.
- Q You knew old man Joseph Nelson? A Yes sir.
- Q And you knew Johnson Nelson? A Yes sir.
- Q He was a son of old man Joe? A Yes sir.
- Q And this old man's father you say was Joe? A Yes sir.
- Q And Joe had a son Johnson? A Yes sir.
- Q Did you know any of them in Mississippi, except I believe you stated that you knew his father and grandfather? A Yes sir.
- Q Did any of the Nelsons come west about 1837 or 1840? A Some, about four of them I think ~~xxxxxxxxxxxx~~

- Q Did any of them remain here? A Yes sir.
Q Which ones remained there? A The old man remained there I am satisfied, and I think his son.
Q Which one, Johnson? A Yes sir, I think so, he might have come over.
Q He was there when you left? A Yes sir.
Q That is Johnson? A Yes sir.
Q And that is the grandfather of these boys as you understand it? A Yes, the grandfather of this one.

BY THE COMMISSION: Q. Of James do you mean? A This one here.

Q I am talking about James, was Johnson the grandfather of James Nelson who lives at Durant, Indian Territory? A You mean Joe don't you.

Q I am talking of a young man about twenty-nine years of age by the name of James J. Nelson, who gives his post office address as Durant, Indian Territory, who claims to have been born in the state of Texas, about whom you have testified you have known for the last two months? A That is this gentleman here who I have known for the last two months; that is the first time I ever met him.

BY MR JOHNSON: This is a brother of James J. Nelson.

BY THE COMMISSION:

Q Then James Nelson is not here in the room, but a man who claims to be a brother of James Nelson; now, do you know whether this Johnson Nelson about whom you have testified is in fact the grandfather of this man who is present here in the room? A I can just testify this far, that he told me that was his grandfather, and I knew the man.

BY MR JOHNSON:

Q The brother of this man here lives at Durant, you have only met him? A I have never met him at all.

Q The man you knew in Mississippi you say was named Johnson Nelson? A Yes sir.

Q Then did you know any of Johnson's sons? A I knew one they called Joe.

Q Is that the one you understand was these boys' father? A That is the one I understand is this young man's father, but this other one is a different branch entirely, this Jim.

BY THE COMMISSION: The witness in referring to "this young man" refers to one Hittick Nelson, who is in the room at this time, and claims to be a brother of James J. Nelson.

BY MR JOHNSON:

Q Do you speak the Choctaw language? A Yes sir, I do.

Q Have you conversed with these boys claiming to be descendants of old Joe Nelson, the man you knew in Mississippi, and have you satisfied your mind as to their identity? A Yes sir, that is this one.

Q Are you satisfied they are descendants of old Joe Nelson from the conversations you have had? A Yes sir, I am satisfied they are.

BY THE COMMISSION:

Q Now, in order to get this family tree straight I want to ask

you two or three questions which are not clear in my mind. Now you claim that the father of this man Bittick Nelson who is here and claims to be a brother of James Nenson, was named Joe Nelson? A Yes sir.

Q And Joe Nelson would be about as old as you are if living?
A I expect he would be older.

Q Now you claim that Joe Nelson's father was named Johnson Nelson, is that right? A Johnson Nelson was the son of old Joe Nelson and he was the father of the younger Joe Nelson.

Q You have not answered my question directly; I say according to your statement then we are to understand that this man Johnson Nelson was the father of Joe Nelson, who this man Bittick Nelson claims to have been his father, is that right?
A Yes sir.

Q And then Johnson's father's name was Joe Nelson? A Yes sir.

Mr. Johnson, does this witness know whether any of the ancestors of the applicants in this Nelson case ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek?

MR JOHNSON: I don't think he does; I would not undertake to prove it by him.

THE COMMISSION: You do not care to have him examined on that point?

MR JOHNSON: No sir, I do not, because I don't believe he knows anything to justify asking him.

BY THE COMMISSION: This witness is apparently a Negro, of fair intelligence.

Q You are not interested in any way with the result of the applications of these Nelsons are you? A No sir.

Q And no relation to any of them? A Not a bit, it was only for what I knew that I am here for.

Q Did Johnson Nelson ever come to the Territory? A If he did I never knowed it.

Q You never heard of the father of these boys coming out here?
A No sir.

Q You never saw him after you left Mississippi? A No sir.

Q You never heard of any of them ever getting any land in Mississippi from the government did you? A No sir.

Q Or any script? A No sir.

Q Do you remember when the treaty was made between the government of the United States and the Choctaw Indians on what is known as Dancing Rabbit Creek in Neshoba county, Mississippi?
A I was present when that was going on, but don't know much about it.

Q You remember about it? A Yes sir.

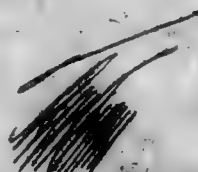
Q How long was it after that treaty was made that you and these Nelsons that moved out here moved out to the Chickasaw Nation?
A Some three or four years.

Q But you never heard of any of these Nelsons claiming any land there in Mississippi from the government? A No sir, never did.

W. H. Martin after being first duly sworn as each states
that as stenographer to the Commission of the Five Civilized
Tribes he recorded in full the above proceedings on the 2nd day
of July, 1902, and that the within and foregoing is a full, true
and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 11th day of July, 1902.



Notary Public.

G.A.L.
Civ.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James J. Nelson, et al., for identification as Mississippi Choctaws, consolidating the applications of -

James J. Nelson, et al.,	M.C.R. 5345
Joseph Nelson,	M.C.R. 5346
Bittick Nelson,	M.C.R. 5347

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by James J. Nelson for himself and his four minor brothers and sister, Charlie, Robert, John, Tom and Emma Nelson; by Joseph Nelson for himself; and by Bittick Nelson for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Joe (or Joseph) Nelson, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

The name of one Joe Nelson appears upon page 176 of Volume I of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 12742, in the deposition of Robert Cole; and also upon page 319 in a list of the claims of Choctaws who failed to comply with the terms of article fourteen of the treaty of eighteen hundred and thirty, which were submitted to the President of the United States and by him rejected. There is nothing in the testimony of the applicants which would tend to show that the Joe Nelson referred to in said record is the identical Joe Nelson through whom they claim.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the

possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe (or Joseph) Nelson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty.

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James J. Nelson, Charlie Nelson, Robert Nelson, John Nelson, Tom Nelson, Anna Nelson, Joseph Nelson and Bittick Nelson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

James S. Gandy

Acting Chairman.

J. B. [unclear]

Commissioner,

J. D. [unclear]

Commissioner.

Washoe, Indian Territory.

OCT 14 1902

M.O.R. 5345

Muskogee, Indian Territory, August, 1, 1902.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th inst., enclosing affidavit of Bethena E. Nelson, which you offer for filing in support of the application of the several persons included in the consolidated Mississippi Choctaw case of James J. Nelson, et al.,

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

M C R 5346

Muskogee, Indian Territory, October 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James J. Nelson, et al., embracing the following applications for identification as Mississippi Choctaws:

James J. Nelson, et al., M C R 5346
Joseph Nelson, M C R 5346
Bittick Nelson, M C R 5347

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James J. Nelson, Charlie Nelson, Robert Nelson, John Nelson, Tom Nelson, Emma Nelson, Joseph Nelson and Bittick Nelson as Choctaw Indians

M Me & C.---2

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. D. J. [Signature]

Commissioner in Charge.

Waskogee, Indian Territory, October 14, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James J. Nelson, et al., embracing the following applications for identification as Mississippi Choctaws:

James J. Nelson, et al.,	M C R 5345
Joseph Nelson,	M C R 5346
Hittick Nelson,	M C R 5347

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James J. Nelson, Charlie Nelson, Robert Nelson, John Nelson, Tom Nelson, Emma Nelson, Joseph Nelson and Hittick Nelson as Choctaw Indians

B S J—2

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior."

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

CC.Y

N O R 5345

Muskogee, Indian Territory, October 14, 1908.

James J. Nelson,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James J. Nelson, et al., embracing the following applications for identification as Mississippi Choctaws:

James J. Nelson, et al.,	N O R 5345
Joseph Nelson,	N O R 5346
Bittick Nelson,	N O R 5347

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James J. Nelson, Charlie Nelson, Robert Nelson, John Nelson, Tom Nelson, Emma Nelson, Joseph Nelson and Bittick Nelson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of

J J H—8

said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.*

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. E. Woodlee.

Commissioner in Charge.

Registered.

M.C.R. 5345

COPY

Muskogee, Indian Territory, October 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James J. Nelson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

James J. Nelson, et al.,	M.C.R. 5345
Joseph Nelson,	M.C.R. 5346
Bittick Nelson,	M.C.R. 5347

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamo Ditty.
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Inc. M.C.R. 5345.

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DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, December 17, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for departmental action, record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application of James J. Nelson, et al., for identification as Mississippi Choctaws as follows: James J. Nelson for himself and his four minor brothers and sister, Charlie, Robert, John, Tom, and Emma Nelson; by Joseph Nelson for himself; and by Bittick Nelson for himself.

The testimony in this case shows that the parties base their claim to identification as Mississippi Choctaws on their descent from Joseph Nelson through Johnson Nelson his son. The applicants claim that Joseph Nelson was a Choctaw Indian residing in Mississippi in 1830; that he was a beneficiary under the 14th article of the Choctaw treaty of 1830, and that being the case they are entitled as his descendants to identification.

Joe Nelson appeared before Murray and Vroom, Commissioner, at Ben LeFlore's on the 23rd day of February 1838, and submitted the following proof:

Joe Nelson, dead. Jesse Nelson, his son appears--
Colo. Forrester Counsel--

Robert Cole a half blood Choctaw a witness for claimant
being sworn deposes as follows:

That he was acquainted with Joe Nelson the claimant in his
lifetime. He died one year after the treaty; at the time of the
treaty he lived on Aby-a-ka Creek about two miles from its mouth;
the creek runs into Yalo busha; knew his family at the time of
the treaty; he did not visit them frequently, sometimes passed
the place, sometimes stopped and smoked a pipe. He had no wife
at that time; she died before the treaty; she died about the
middle of the summer previous to the treaty. He had three un-
married children living with him at the treaty--and one married
and living to himself. This was Jesse. The oldest of those
living with him at the treaty was:

1. Brown, a male now in Kentucky at school; he is now
25 years old; has never been married; and living with his father
at the treaty. He went west with his father at the first emi-
gration by the U.S.; (his father died on the way). Brown did
not remain west of the Mississippi long; he returned and was sent
by his grandfather Nelson to school in Kentucky. He thinks he
has been in Kentucky about three years, but does not know it of
his own knowledge.

Second and third, females, does not know their names went
west with their father. Have never returned; the first about
20 years old and the second 18 years at this time; both living
with their father and unmarried at the time of the treaty.

Claimant had an improvement at the time of the treaty, a
house and field, a large one, in which he lived at that time and
before, and in which he continued to live one year after the
treaty when he went west. He knows no reason for his going west;
he was not turned off his lands and does not know if his land was
sold by the Government. Claimants belonged at the time of the
treaty to Lewis Perry's Company.

Is distantly connected with claimant and has no interest
in his claim.

Robert Cole his
 x
 mark

Taken and sworn to at)
Ben LeFlore's this 23rd)
February, 1838, before)
J. Murray,

Roger Barton.

Under this application the Secretary of War in adjudicating these matters rejected the claim on the ground that Joe Nelson had abandoned his reservations about one year after the treaty.

The action of the Secretary of War in this matter would probably not bar the applicants in this case at this time if it were not for the fact that they base their claims on their descent from Joseph Nelson through his son Johnson.

It will be seen by the evidence given herein that there was no Johnson Nelson, a son of Joseph Nelson living in 1830; that he had a married son named Jesse Nelson, a son named Brown, who was a member of his family at the time of the treaty, and two daughters, names not given. This testimony shows that he had no wife at the time of the treaty she having died previously, and that Joe Nelson started west with the first emigration, and died on the way, which would rather sustain the idea that he had no child born subsequent to the treaty.

These being the facts it is evident that the ancestor Joe Nelson, through whom these parties claim must have been some other Joseph Nelson and not the Joseph Nelson in behalf of whom an application was made under the 14th article of the Choctaw treaty.

Very respectfully,

W.A. Jones,

Commissioner.

E.B.H.(E.)

M C R 5345
M C R 5346
M C R 5347

Muskogee, Indian Territory, January 7, 1903.

James J. Nelson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask to be advised the present status of the cases of yourself and family.

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and minor children as Mississippi Choctaws, and that your brothers Joseph and Bittick Nelson also made application for identification as Mississippi Choctaws.

The Commission, on October 14, 1902, rendered its decision refusing your application and the applications made by your brothers, and on the same date the several applicants were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claim to be transmitted to the Secretary of the Interior.

The fifteen days from October 14, 1902, heretofore granted within which to file arguments in this case, expired on October 29, 1902. On October 20, 1902, the record in these cases was forwarded

J. J. H.---2

to the Secretary of the Interior. The several applicants will be duly notified of any action taken by him.

Respectfully,

Acting Chairman.

D.C. 3089
I.T.D. W053-1902.
L.R.S.

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J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 19, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On October 30, 1902, you submitted the Mississippi Choctaw case involving the applications of James J. Nelson for himself and his four minor brothers and sister, Charlie, Robert, John, Tom and Emma Nelson; of Joseph Nelson for himself, and of Bittick Nelson for himself, who base their claims for identification on descent from Joe (or Joseph) Nelson, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1838, through Johnson Nelson, his son, you having rejected the applications October 14, 1902.

The applicants are not full blood Indians. It appears, as stated in your decision holding that the evidence is insufficient to determine the identity of the parties as Choctaw Indians entitled to rights in the Choctaw Nation, under the provisions of the 14th article of the treaty of 1830, that the name of one Joe Nelson appears on page 176, Vol. 1 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 13742, in the deposition of Robert Cole; and also upon

page 319 in a list of the claims of Choctaws who failed to comply with the terms of article fourteen of the treaty of 1830, which were submitted to the President of the United States and by him rejected; that there is nothing however, in the testimony of the applicants, which would tend to show that the Joe Nelson referred to in said record is the identical Joe Nelson through whom they claim, but that it does not appear from the testimony offered in support of the applications, or from the records in your possession, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830, and to persons who heretofore were claimants thereunder, that the said Joe (or Joseph) Nelson, or an ancestor less remote, signified (in person or by proxy), to the Indian Agent Choctaw Agency, an intention to comply with the provisions of said article fourteen.

Reporting in the matter December 17, 1902, the Commissioner of Indian Affairs quoted the deposition of Robert Cole and points out that the ancestor Joe Nelson, through whom these parties claim, must have been some other Joseph Nelson and not the Joseph Nelson in behalf of whom application was made under the 14th article of the treaty of 1830. He recommends that your decision be concurred in.

Finding no reason to disturb your decision it is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Chairman.

1 inclosure.

Under this application the Secretary of War in adjudicating these matters rejected the claim on the ground that Joe Nelson had abandoned his reservations about one year after the treaty.

The action of the Secretary of War in this matter would probably not bar the applicants in this case at this time if it were not for the fact that they base their claims on their descent from Joseph Nelson through his son Johnson.

It will be seen by the evidence given herein that there was no Johnson Nelson, a son of Joseph Nelson living in 1830; that he had a married son named Jesse Nelson, a son named Brown, who was a member of his family at the time of the treaty, and two daughters, names not given. This testimony shows that he had no wife at the time of the treaty she having died previously, and that Joe Nelson started west with the first emigration, and died on the way, which would rather sustain the idea that he had no child born subsequent to the treaty.

These being the facts it is evident that the ancestor Joe Nelson, through whom these parties claim must have been some other Joseph Nelson and not the Joseph Nelson in behalf of whom an application was made under the 14th article of the Choctaw treaty.

Very respectfully,

W.A. Jones,

Commissioner.

E.B.H.(E.)

COPY.

M.C.R. 5345

Muskogee, Indian Territory, January 31, 1903.

B. S. Johnson,

Attorney at law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James J. Nelson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Tame Dixie
Acting Chairman.

M.C.R. 5345

COPY.

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James J. Nelson, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

SIGNED.

Tame Doby.

Acting Chairman.

COPY.

M.C.R. 5345

Muskogee, Indian Territory, January 31, 1903.

James J. Nelson,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th day of January, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James J. Nelson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Tame Bixby.

Acting Chairman.

Consolidated Case
of
James J. Nelson et al.

REFER TO M.C. 5345

OFFICE AGE SEX BLOOD YEAR COUNTY TRIBAL ENROLLMENT

CHOCT

Joe Nelson
(or Joseph ")

?
John Johnson
x wife
Johnson

Joseph Nelson (60?)
(dead)
wife
Bethena Nelson
-w-

+ Mitchell Nelson + Joseph E. Nelson 53

+ Mary Nelson above
+ See Choc. 3396

mer
5345

James J. Nelson 29—

mer
5345

Charlie Nelson 19

Robert Nelson 17

John Nelson 15

Tom Nelson 13

Emma Nelson 11

mer
5346

Joseph Nelson 29—

mer
5347

Bettick Nelson 26—

For Identification as a Mississippi Choctaw.

APR 24 1902

Name James J. Nelson.
Age 29 Blood Don't Know

Age 29 Blood Don't Know

Post-Office, Durant, I. T.

Father: Joseph Nelson, d

Mother: Beithena - " - l. (m)

Claims through father -

Father of children -
Joseph Nelson d.
Blood - dent. Know.
Mother Bethena Nelson. l.cw.

Brothers and sisters)
Children: ~~(Nephews and nieces)~~

Charlie Nelson, 19

Robert .. 17

John " 15

Pom	"	13
-----	---	----

Emma	"	10
------	---	----

Claims for self &

~~6. nephrolepis~~

brothers and sisters -

Stenographer *G. Roennwald*

No.

245

For Identification as a Mississippi Choctaw.

Date JUL 2 1902

Name

James J. Nelson

Age

Post-Office,

Father:

Mother:

Claims through

Children.

Stenographer

W. H. Martin

Testimony
of Samuel Perry
taken at
Muskogee
I. T.

James J. Nelson, et al.,

M.C.R. 5345 (consolidated
with MC.R. No's 5346-47)

Testimony of Joseph E. Nelson,
taken at Muskogee, April 24, 1902.

G.R.

Choctaw MCR 5346

Joseph Nelson.

See MCR 5345

MCR 5346

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 24, 1902.

5346

In the matter of the application for identification as a
Mississippi Choctaw of Joseph Nelson..

B. S. Johnson attorney appearing for applicant.

Joseph Nelson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph Nelson.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived there? A About five months.
Q How long have you lived in Indian Territory? A About five months.
Q Where did you live before that? A Fannin County, Texas.
Q Were you born in Texas? A Yes, sir.
Q Lived there until you went to Durant? A Yes, sir.
Q What is your father's name? A Joe Nelson.
Q Joseph Nelson is it? A Yes, sir.
Q Is he living? A No, sir; he is dead.
Q Is your mother living? A Yes, sir.
Q White woman? A Yes, sir.
Q No Choctaw blood? A No, sir.
Q What is her full name? A Bethena.
Q B-e-t-h-e-n-a? A Yes, sir.
Q Do you claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A I don't know sir how much.
Q Has your father ever been enrolled in any way or recognized as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A No, sir.
Q You make application just for yourself? A Yes, sir.
Q When and where were your father and mother married? A Scott County, Virginia.
Q You remember the date? A No, sir; I do not.
Q Could you introduce that proof later if given time? A Yes, I suppose so.

A reasonable time will be allowed you for that purpose.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; I reckon not.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A never have.
Q Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Never have.
- Q You never have made application before this time to either the Choctaw tribal authorities or the United States authorities? A No, sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand the provisions of that article of that treaty? A I do not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of the year 1830 and it was made for the especial purpose of removing all the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and therefore in order to protect the interests of these Choctaw Indians who elected to remain back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830, now that article reads as follows:

"Each Choctawhead of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My great-grandfather's name was Joe and my grandmother's name was Johnson.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he live in Mississippi in 1830? A I have been told he did; I don't know.
- Q Have you been told that he lived there in 1830 and was the head of a family there then? A Yes, I have never known anything about it.
- Q Where did you hear that? A From people,--my folks.
- Q Your father and mother? A My mother.
- Q Do you know of any of his children living to-day who were born in 1830 or any time before that date? A No, sir.
- Q Do you know in what part of Mississippi he was living in 1830? A No, sir.

- Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or in Alabama in the Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir whether they did or not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation East of the Mississippi River with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know sir whether they did or not

The Indians who elected to remain in the old Choctaw Nation in Mississippi and Alabama, East of the Mississippi River, after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements, the government took both from them and sold them. This caused a great many complaints among the Indians so that in 1837 by act approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23rd of that year, another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commission and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors get any scrip from the government or certificates which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A If they did I don't know anything about it.
- Q Is James J. Nelson your brother? A Yes, sir.
- Q He made application to be identified as a Mississippi Choctaw? A Yes, sir.
- Q He claims through the same common ancestor through whom you claim? A Yes, sir.
- Q You want to have his case considered with yours; have them all taken together? A Yes, altogether.
- Q He is the only relative who has appeared before the Commission to be identified as a Mississippi as far as you know? A As far as we know, him and the five brothers that he represented.
- Q Do you speak or understand Choctaw? A No, sir.
- Q Have you any evidence you want to introduce further? A No, sir; not at present.

#4

Q. You have a witness you want to call here? A Yes, sir.
Q What is his name? A Joe Nelson.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; eyes blue; black hair; dark mustache; he does not speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 24, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 8th day of May 1902.

Charles H. Sawyer

Notary Public.

COPY

M C R 5346

Muskogee, Indian Territory, October 14, 1902.

Joseph Nelson,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James J. Nelson, et al., embracing the following applications for identification as Mississippi Choctaws:

James J. Nelson, et al.,	M C R 5345
Joseph Nelson,	M C R 5346
Bittick Nelson,	M C R 5347

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James J. Nelson, Charlie Nelson, Robert Nelson, John Nelson, Tom Nelson, Emma Nelson, Joseph Nelson and Bittick Nelson as Choctaw Indians

J N—2

Entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.*

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Commissioner in Charge.

Registered.

M C R 5345
M C R 5346
M C R 5347

Muskogee, Indian Territory, January 7, 1903.

James J. Nelson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask to be advised the present status of the cases of yourself and family.

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and minor children as Mississippi Choctaws, and that your brothers Joseph and Bittick Nelson also made application for identification as Mississippi Choctaws.

The Commission, on October 14, 1902, rendered its decision refusing your application and the applications made by your brothers, and on the same date the several applicants were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claim to be transmitted to the Secretary of the Interior.

The fifteen days from October 14, 1902, heretofore granted within which to file arguments in this case, expired on October 29, 1902. On October 30, 1902, the record in these cases was forwarded

J. J. N.--2

to the Secretary of the Interior. The several applicants will be duly notified of any action taken by him.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5546

Muskogee, Indian Territory, January 31, 1903.

Joseph Nelson,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James J. Nelson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Tame Dixie

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

APR 24 1902

Name Joseph Nelson,

Age 29- Blood Don't know.

Post-Office, Hurant, D.T. -

Father: Joseph Nelson, d

Mother: Beethena " l.w.

Claims through father,

Children:

Claims for self
alone -

Stenographer S. R. Rummie

Choctaw MCR 5347

Bittick Nelson

See MCR 5345

MCR 5347

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 24, 1902.

5347

In the matter of the application for identification as a
Mississippi Choctaw of Bittick Nelson.

B. S. Johnson attorney for applicant.

Bittick Nelson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Bittick Nelson.
Q How do you spell that? A B-i-t-t-i-c-k.
Q What is your age? A I am twenty-six.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived there? A About five months.
Q Where did you live before that? A In Texas.
Q All your life? A Yes, sir.
Q Born and raised there? A Yes, sir.
Q What place in Texas principally? A Fannin County.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Joseph Nelson.
Q Your mother's name is what? A Bethena Nelson.
Q You claim your Choctaw blood through your parents? A On my father's side.
Q How much Choctaw blood do you claim? A I don't know exactly.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother with you? A No, sir.
Q Can you introduce that later? A Yes, sir.
Q You know when and where they were married? A I didn't know when but they were married in Virginia; I am not positive whether it is in Virginia or just across the line in Tennessee.
Q Are you married? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I have not.
Q You never made any application before this? A No, sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A I have heard it explained so that I think I understand it.

Q You care to have any further explanation? A No, sir.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A Yes, sir.
- Q Did any of your ancestors, if Choctaw Indians, comply with it? A I don't know whether they did or not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Joseph Nelson.
- Q What relation to you was he? A Great grandfather.
- Q Joe or Joseph? A Yes, sir.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he live in the state of Mississippi in 1830 and was he the head of a family there at that time? A I suppose so.
- Q You heard that in the family? A Yes, I heard it in the family and outside.
- Q How old would he be if living now? A I don't know.
- Q Was your father born in Texas? A No, sir.
- Q Where was he born? A I reckon in Virginia.
- Q From Virginia he went where? A To Texas.
- Q Lived there the balance of his life? A Yes, sir.
- Q Did he claim through his father? A Yes, sir.
- Q What was his father's name? A Johnson Nelson.
- Q Did he live in Mississippi Johnson Nelson? A I don't know whether he was born in Mississippi or not. great
- Q He claimed through his father, your grandfather Joe or Johnson Nelson? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1836 or forty? A I don't know I think my great grandfather's brothers?
- Q Came to the Territory? A Came to the Territory but I am not sure.
- Q You don't know where they located? A No, sir; I do not.
- Q You know when they came? A I think they came about 1830 or thirty-one, something like that; I don't know I could not give the dates.

- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi and Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Indians who resided in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory were required if they wanted to take advantage of the provisions of article fourteen to go to the United States Indian Agent Colonel Ward who had an agency in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw, especially those who lost their land that a Commission was appointed in 1837, under act approved March 3rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know whether they did or not.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it also further appeared that he had formerly held land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians? A I don't know.
 Q What relation is James J. Nelson to you? A Brother.
 Q Joseph Nelson? A Brother.
 Q They are the only applicants who have come before this Commission to be identified as Mississippi Choctaws? A They and the minors.
 Q Would you like to have these three cases consolidated? A Yes, sir.
 Q You have no other relatives you want to refer to? A No, sir.
 Q Have you any evidence you want to introduce now? A We have a witness.
 Q Would you like time in which to get other testimony? A Yes, sir.

A reasonable time will be allowed this applicant and also the other applicants who claim through Joe Nelson in which to furnish other evidence in support of their applications.

- Q Do you speak the Choctaw language? A No, sir.

#4

Q Is there anything more you want to say in support of this claim?
A Not at present.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has very dark brown eyes; dark complexion; black hair and mustache; he does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 8th day of May 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING NO

M O R 5347

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 14, 1902.

Bittick Nelson,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James J. Nelson, et al., embracing the following applications for identification as Mississippi Choctaws:

James J. Nelson, et al.,	M O R 5345
Joseph Nelson,	M O R 5346
Bittick Nelson,	M O R 5347

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

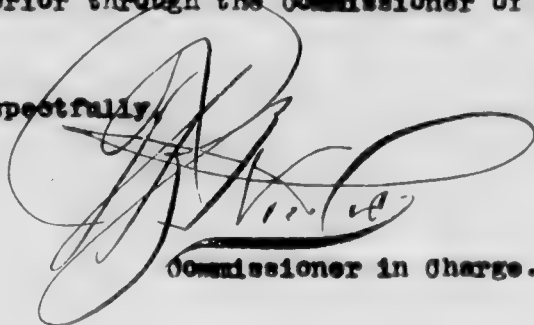
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James J. Nelson, Charlie Nelson, Robert Nelson, John Nelson, Tom Nelson, Ezra Nelson, Joseph Nelson and Bittick Nelson as Choctaw Indians

B W—3

entitled to rights in the Ghostaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

A large, stylized handwritten signature in dark ink, featuring a prominent loop at the top and a long, sweeping underline.

Commissioner in Charge.

Registered.

Niss. Chootaw R5347

Muskogee, Indian Territory, November 1, 1902.

W. H. Hilton,

Durant, Indian Territory,

Dear Sir:

Your letter of October 25, addressed to the Postmaster, Muskogee, Indian Territory, has been by him referred to this Commission for reply. You state therein that Bittick Nelson is dead, and you wish to be advised what disposition to make of the letter.

In reply to your letter you are advised that you will kindly return the letter to this office.

Respectfully,

Commissioner in Charge.

M C R 8345
M C R 8346
M C R 8347

Muskogee, Indian Territory, January 7, 1903.

James J. Nelson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask to be advised the present status of the cases of yourself and family.

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and minor children as Mississippi Choctaws, and that your brothers Joseph and Bittick Nelson also made application for identification as Mississippi Choctaws.

The Commission, on October 14, 1902, rendered its decision refusing your application and the applications made by your brothers, and on the same date the several applicants were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claim to be transmitted to the Secretary of the Interior.

The fifteen days from October 14, 1902, heretofore granted within which to file arguments in this case, expired on October 29, 1902. On October 30, 1902, the record in these cases was forwarded

J. J. N.---2

to the Secretary of the Interior. The several applicants will be duly notified of any action taken by him.

Respectfully,

Acting Chairman.

M.C.R. 5347

COPY.

Muskogee, Indian Territory, January 31, 1903.

Bittick Nelson,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James J. Nelson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Tammie Birtch
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

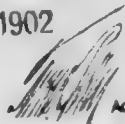
APR 24 1902

Name *Bittick Nelson*Age *26*Blood *don't know*Post-Office, *Murphy, I. T.*Father, *Joseph Nelson**2*Mother, *Bethena**2*Claims through *father* —~~Children~~*Claims for self
alone*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

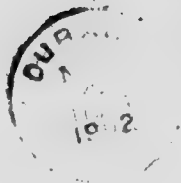
NOV 7 1902



ACTING CHAIRMAN



Reg. No. 105
"R.M."



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



Gifted to...



Choctaw MCR 5348

Charlie O. Ellis

See MCR 3800

MCR 5348

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 25, 1902.

5348

In the matter of the application for identification as Mississippi Choctaws of Charlie O. Ellis, for himself and his five minor children, James, Anna, Maggie, Eva and Mart Ellis.

Applicants not represented by attorney.

Charlie O. Ellis being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Charlie O. Ellis.
Q Your age is what? A I was born in December 1864.
Q You figure your age now what? A Forty-seven.
Q What is your post office address? A Laredo, Texas.
Q How long have you lived at Laredo? A About nine years.
Q Where did you live before that? A Catoola, Texas.
Q Where were you born? A In Bastrop County.
Q Texas? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A George W. Ellis.
Q How old would he be if living now? A Really I could not tell you.
Q When did he die? A When I was four years old; when --forty-three years ago.
Q How old was he when he died? A I don't know that.
Q Where did he die? A In Bastrop.
Q Texas? A Yes, sir.
Q Where was he born? A I think in Mississippi but I don't know it.
Q What is your mother's name? A Martha Millie Tucker; Ellis when she died.
Q You claim through through your father or mother? A Excuse me one minute; my mother did not die an Ellis she died an Ellison, she married after my father died.
Q Through which parent do you claim Choctaw blood father or mother? A Father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know sir.
Q Are you married? A Yes, sir.
Q Wife is living? A Yes, sir.
Q She is a Choctaw Indian or white woman? A She is a white woman.
Q What is her name? A Martha C. Ellis.
Q Do you make any claim for her as a Choctaw? A No, sir.
Q How many children have you under age and unmarried? A I have five; I have six, that is not married but one is of age.
Q Have you the marriage license and certificate or other proof of the marriage of your father and mother with you? A No, sir.

#2

- Q Could you tell when and where they were married? A I know they were married in Mississippi.
- Q But you don't know what place? A No, sir.
- Q Or when? A No, sir.
- Q You think you can introduce that evidence if given time? A Yes, sir.
- Q You can send it to the Commission? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Give me the name of the oldest child that you want to make application for? A James.
- Q James Ellis? A Yes, sir.
- Q How old? A Twenty years old.
- Q Next? A Anna.
- Q How old? A She was born June 22, 1884, that would make her eighteen.
- Q Next? A Maggie Ellis.
- Q How old? A Fourteen.
- Q Next? A Eva, E-v-a.
- Q How old? A Ten years old.
- Q Next? A Mart, M-a-r-t.
- Q Boy? A Yes, sir.
- Q How old? A Seven.
- Q You make application for yourself and these children do you? A Yes, sir.
- Q Is your wife Martha C. Ellis the mother of these children? A Yes, sir.
- Q You are the father? A Yes, sir.
- Q They live with you at your home? A Yes, sir.
- Q When were you married to your wife and where? A We was married in April seventy-two at Atsoosa, Texas.
- Q Were you married by a minister and under a license? A By a Justice of the Peace and under a license.
- Q Have you proof of your marriage with you now? A Yes, a certified copy.

Certified copy of the marriage license and certificate of the marriage between Charles C. Ellis and Miss. Martha C. Barksdale presented by applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I knew of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A Never have.
- Q Neither for these children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, or the Dawes Commission as it is some times called, under the act of Congress of June 10, 1896; you never did did you? A No, sir.
- Q Have you ever before this application applied to the Dawes Commission or the Choctaw tribal authorities for yourself and children to be enrolled as a citizen of the Choctaw Nation? A No, sir; I have not.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. The object of that treaty was the removal, as far as practicable, of all of the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who preferred to stay back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What was her name? A Her name was Walker.
- Q Full name? A I have it here on a piece of paper all that I know about this business is what I have been told; my father and mother died when I was only four years old.
- Q What relation is George W. Ellis Junior to you? A That is my brother I guess.--One George W., is my father and he had a son too but the George W. who was before the Commission is my brother
- Q Now then what is the ancestor through whom you claim your Choctaw blood? A My grandmother Sarah Booth who married my grandfather George W. Ellis; I don't believe that is right; Sarah Booth married a Walker and George W. Ellis married Eliza B. Walker a daughter of theirs.
- Q What relation was Sarah Booth to you? A My great grandmother.
- Q She married whom? A Who did you mean.
- Q I mean Sarah Booth? A She married Walker.
- Q Do you know his full name? A No, sir; I do not.
- Q Now did Sarah Booth who married Walker live in Mississippi in 1830? A I don't know but I think she did.
- Q Did she have a family of children there at that time; in other words was she the head of a family in Mississippi in 1830? A Sarah Booth.
- Q Yes, or more properly Sarah Walker? A I don't know; I guess so but I won't say anything I don't know.
- Q Is that a matter of family history and tradition that she lived in Mississippi in 1830 and was the head of a family there then? A Yes, sir.

- Q Then you testify that Sarah Booth was one-half Choctaw? A Yes, sir.
- Q You claim through your father? A Yes, sir.
- Q His name was George W. Ellis? A Yes, sir.
- Q He claims through which parent father or mother? A From his mother.
- Q Through his mother or your grandmother? A Yes, sir.
- Q She was Ellis and married George W. Ellis; what was her maiden name? A Sarah Booth? A She was a Walker? A Yes, sir.
- Q What I want you to do is to give me, starting with your father your ancestry straight back to Sarah Booth who married a Walker; what was your grandmother's maiden name? A Bashabee Walker.
- Q She married whom? A She married my grandfather.
- Q What was his name? A George W. Ellis.
- Q Your own father's name was George W. Ellis? A Yes, sir.
- Q Now Bashabee Walker who married George W. Ellis, your grandfather was a daughter of Sarah Booth who married a Walker? A She was a daughter of Sarah Booth who married George W. Ellis; Sarah Booth married a Walker and George W. Ellis my grandfather married their daughter Bashabee Walker and they had a son who married Martha Ann Tucker, this was my father.
- Q Sarah Booth had how much Choctaw blood? A Half breed.
- Q Live in Mississippi in 1830? A I could not tell you positive but I think I have been told so.
- Q It is your belief? A Yes, it is my belief.
- Q Had children and was the head of a family in Mississippi in 1830? A Yes, sir.
- Q Did any of your Choctaw ancestors claim any land or own any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Don't know that they ever had any land that they claimed there? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward who had an office in Mississippi at that time, in the old Choctaw Nation, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose them both; both were taken from them by the government and sold at its public landsales. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose under an act approved August 23, of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

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- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and proved their claims under article fourteen of that treaty? A No, sir; I don't know.

By act of Congress approved August 23, 1842, if it was shown before the Commission of 1842, that any Choctaw Indian had proven his claim under article fourteen of that treaty and if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government lands and that a certificate to that effect should be given him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors get any of this scrip as Choctaw Indians? A None that I know of.
- Q Can you give me the names of any relatives who have been before the Commission to be identified as Mississippi Choctaws? A I can give you the names of those that I have been told went before it; I don't know personally that they did.
- Q What are their names? A I can't give you the names; I have never known my relatives; I was raised out in this Western country. There is Mrs. Dean, I know she is my aunt, she has been before the Commission I understand.
- Q But you don't know her first name? A No, sir; and Mrs. House is my cousin; W. J. Self he married a cousin of mine.
- Q He is a white man? A Yes, sir.
- Q What was his wife's name? A I don't know, I was just informed that he married a cousin of mine.
- Q Any others? A Mrs. Minnie Burford I think there is a Jane Burford.

George W. Ellis Senior being that of an applicant who has been before the Commission for identification as a Mississippi Choctaw case number 4698 is here referred to and also the case of the cousin of the applicant whose name is Mrs. House and W. J. Self who married a cousin of his and Mrs. Jane Burford.

- Q What relation to you? A She is aunt.
- Q

These are claimants who he says are relatives and who he has heard have been before the Commission to be identified as Mississippi Choctaws.

- Q Do you want to have the applications and therecords of all claimants who claim through the same common ancestor through whom you claim Sarah Booth or Walker consolidated with your case in order that you may get the benefit of what they have testified to? Yes, sir; I depend on their evidence.
- Q Have you any more evidence or testimony that you desire to introduce? A No, sir.
- Q You care for any more time to introduce evidence or testimony? A I think only, I would like time to get the marriage certificate if possible.

A reasonable time is allowed this applicant.

- Q A How much time will I have ?
- Q Would fifteen days do? A Could you give me twenty.

#6

Q Can you do it in twenty? A I think I ought to have thirty.

Thirty days time is allowed this applicant.

Q Do you speak the Choctaw language? A No, sir.

Q Your eyes are brown? A Yes, sir.

Q Was your hair black formerly? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes; dark hair, somewhat gray; ruddy complexion.

Q You don't speak or understand the Choctaw language? A No, sir; I speak Spanish well but I don't know the Indian language.

He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 25, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of May 1902.

Charles H. Sawyer

Notary Public.

State of Mississippi)

County of DeSoto.

SS.

Jane Borden, being first duly sworn deposes and says: That she is ____ years of age and a resident of the above named County and State. That she was well acquainted with George W. Ellis and Martha M. Ellis (nee Tucker) That she was present when the said George W. Ellis and Martha M. Ellis were married, and that one George Tucker, a minister of the gospel performed said ceremony. That the said Martha M. Ellis was a sister of this affiant and that she knew her as a sister prior to her marriage and intimately thereafter from the year 1841, which was the year of the marriage of the said George W. Ellis and Martha M. Ellis, until their removal to the state of Texas in 1852; that during all that time the said George W. Ellis and Martha M. Ellis resided together as man and wife, and that there was born to them during their residence in the state of Mississippi two children, namely, Joshua J. Ellis and George W. Ellis. That after their removal to the state of Texas, there was born to them other children and that the said George W. Ellis and Martha M. Ellis resided together as man and wife up to the time of the death of the said George W. Ellis as your affiant is informed and believes.

The statements heretofore made ^{are} from personal knowledge of this affiant, except the last statements; that they resided together as man and wife after their removal to the state of Texas and that other children were born to them during their residence in that State.

This affidavit is made for the purpose of showing the relationship existing between the said George W. Ellis and Martha M. Ellis as husband and wife, and for the reason that your affiant is informed that the records of said marriage were destroyed during the late civil war and that no copy of the said marriage certificate between said parties can be produced at this time. And further affiant saith not.

Jane S. Borden

Subscribed and sworn to before me this the 15 day of May,

A. D. 1902.

Frank S. Brown
Mayor of DeSoto Co. Miss.

Muskogee, Indian Territory, June 21, 1902.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 19, inclosing affidavit of Mrs. Jane S. Bowen, which you offer in support of the application of Charles O. Ellis, et al. for identification as Mississippi Choctaws, and you ask that this case and the cases consolidated therewith be consolidated with the case of J. W. Lipsey.

The affidavit submitted by you has been filed with and made a part of the record in the case of Charles O. Ellis, et al. and you are advised that, under departmental instructions, the Commission in preparing applications for identification as Mississippi Choctaws for decision, consolidates the case of all applicants claiming descent from the same common ancestor, and if it is shown by the record in these cases that Charles O. Ellis, et al. claim descent from the same ancestor as J. W. Lipsey, the cases will be consolidated in accordance with your request.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R5343

Muskogee, Indian Territory, June 25, 1902.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 21, inclosing affidavit of Mrs. Mary T. Spruce which you offer in support of the consolidated case of Charles O. Ellis, et al., applicants for identification as Mississippi Choctaws, and the same has been filed with the record in that case.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 25348

Muskogee, Indian Territory, June 27, 1903.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24, inclosing affidavit of Mary J. Spruce which you offer in support of the applications for identification as Mississippi Choctaws of Charles O. Ellis, et al., and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

N O R 8348

Muskogee, Indian Territory, July 23, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st inst., enclosing the affidavit of Ada D. Williams which you offer in support of the application made by Charles O. Ellis, for the identification of himself and his minor children as Mississippi Choctaw.

The same has been filed with the record in this case.

Yours truly,

Commissioner in charge.

Muskogee, Indian Territory, July 28, 1903.

Messrs. Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing certificate ~~from~~^{of} Geo. C. Myers, clerk of the circuit court of Marshall county, Mississippi, which you offer for filing in support of the application made by Charlie O. Ellis for the identification of himself and his minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 30, 1902.

Thomson & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th inst., enclosing the affidavit of O. E. Oatman, which you offer in support of the application of Charlie O. Ellis for the identification of himself and minor children as Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5346.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Charlie O. Ellis,

Laredo, Texas.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edina House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

W. H. E. E.
Acting Chairman.

COPY.

M.C.R. 5343

Muskogee, Indian Territory, July 29, 1903.

Charlie O. Ellis,

Laredo, Texas.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGN)

T. B. Neekles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

APR 25 1902

Name Charlie O. Elli's

Age 47 - Blood 1106

Post-Office, Laredo, Texas.

Father: George W. Ellis, d.

Mother. Martha M. Ellison d

Claims through wife Father

Martha C. Ellis, D. W.

No claim for wife -

Children

~~#~~ James Ellis. - 20

~~Anna~~ Anna " 18

Maggi " - 14

Eva	"	10
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Marx "M. 7

Claims for exp &
Chedron

Stenographer *G. Rosenmeyer*

Choctaw MCR 5349

Walter H. Ellis

See MCR 3800

MCR 5349

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 25, 1902.

5349

In the matter of the application of Walter H. Ellis for identification as a Mississippi Choctaw.

No attorney representing applicant.

Walter H. Ellis being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Walter H. Ellis.
Q What is your age? A Twenty eight.
Q What is your post office address? A Laredo, Texas.
Q How long have you lived at Laredo? A About nine years.
Q Where did you live before that? A Cotulla, Texas.
Q Were you born in Texas? A Yes sir.
Q And have always lived there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's full name? A Charles O. Ellis.
Q What is your mother's full name? A Martha C. Ellis.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much do you claim? A Well, I don't know.
Q He claimed one sixteenth; you wouldn't have any more than half of that, would you? A No sir.
Q Well, how much do you claim then? A one sixteenth halved makes on thirty second; you claim that, do you? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q When and where was he married, do you know? A No sir.
Q Can you introduce proof of that marriage later? A Yes, he has it.
Q He has introduced in his application the proof of his marriage? A Yes sir.
Q You would refer to his case and to that proof of the marriage of your father and mother, would you, and have it made part of your testimony? A Yes sir.

Q Are you married ? A No sir.

Q You just claim for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application of any kind before the Commission previous to this present application for citizenship in the Choctaw Nation? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, and was made for the special purpose of removing all the Choctaw Indians who lived in the old Choctaw Nation from the old Nation to the Choctaw Nation, Indian Territory? Before the treaty could be signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back in the old Nation refusing to go West to Choctaw Nation Indian Territory, across the river, article fourteen was drafted and put into the treaty of 1830. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent, if they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I don't know sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mrs. Walker I guess.

Q What was her first name? A I don't remember.

Q Did you ever hear of Sarah Walker? A Yes sir.

Q Well, is that your great grandmother? A Yes sir.
Q Do you remember her as your great grandmother? A Only by hearsay.
Q And have you learned that in your family? A Yes sir.
Q But you are not very familiar with the name? A No sir.
Q Do you know what her maiden name was? A Booth I believe.
Q How much Choctaw blood did Sarah Booth have? A Well, I was told she was a half breed.
Q When were you told that? A I have heard that for a number of years; ever since I can remember.
Q Did she live in the State of Mississippi in 1830? A I don't know.
Q You don't know whether she lived there in 1830 and had a family there then? A Well, I have been told that.
Q By whom? A My father.
Q Did she ever live in Alabama? A I don't know.
Q How old would she be if living now? A I have no idea.
Q You claim through your father, Charles O. Ellis? A Yes sir.
Q And he is how old now? A Forty seven I believe.
Q And he claims through which parent? A His mother; no his father.
Q How old would he be if living now? A I don't know.
Q Did he ever live in Mississippi? A I don't know sir.
Q Can you go any farther back and tell me about the other ancestors of yours who had Choctaw blood? A No sir.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory between 1833 to 1838 or 1840? A I don't know.
Q Did you ever hear that any of your Choctaw ancestors received any improvements on land or claimed any land or received any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A No sir.

The Choctaw Indians who remained in the old Choctaw nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty of 1830 were required if they wanted to take advantage of the provisions of that treaty to go to the United States Indian agent, Col. Ward within six months from its ratification and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register and his neglect to do this caused many Indians who had land in the old Choctaw Nation upon which they had improvements to lose them both for they were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Indians that Congress in 1837 by an act approved March 3, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose by an act approved August 23, that year, and this Commission also

went to Mississippi and heard claimants under article fourteen of the treaty.

Q Do you know if any of your Choctaw ancestors appeared before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty? A No sir; only by hear say.

Q Well, did you ever hear that any of your ancestors went before the Commission of 1837 or 1842? A No sir.

Q Did you ever hear that any of your Choctaw ancestors received any scrip or certificates from the Government of the United States which entitled them to select land in Alabama, Mississippi, Arkansas or Louisiana to take the place of the land whde h they had formerly held in Mississippi and which the Government had taken from them and sold? A No sir.

Q These certificates were issued under an act of Congress approved August 23, 1842,-- Is Charles O. Ellis your father? A Yes sir.

Q He has made application on this date, has he not to be identified as a Mississippi Choctaw? A Yes sir.

Q What relation is George W. Ellis Sr to you? A My uncle.

His case, M.C.R. 4698 is referred to for the purpose of consolidation.

Q Is Mrs. House a cousin of yours? A Yes sir.

Q Who is W.J. Self? A He is a cousin by marriage I guess.

Q Do you remember Mrs. Minnie Burford? A I have heard she was a relatives of mine.

Q And Mary Jane Burford? A Yes, she is my great aunt.

Q These have all appe ared before the Commission, haven't they?

A Yes, I hear so.

Q And others who clair through Sarah Booth? A Yes sir.

Q Would you like to have their testimony considered with yours?

A Yes sir.

Q Do you speak or understand the Choctaw language? A I don't.

Q Is there anything more you want to say in support of this claim you can think of? A No sir.

Q Have you any other evidence you would like to present at this time?

A No sir.

Q Do you care for any time in which to present proper evidence if you desire? A No sir, there's nothing.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes, dark complexion, brown hair, very nearly black, dark mustache somewhat brown. He does not understand the Choctaw language and has no knowledge of the

compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Haine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 24, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 17 day of May, 1902.

Charles H. Sawyer
Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 8349.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Walter H. Ellis,
Laredo, Texas.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey. Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Eljah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Wilhe E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Fihel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Wilhe D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Registered.

B. B. B.

Acting Chairman.

COPY.

M.C.R. 5349.

Muskogee, Indian Territory, July 29, 1903.

Walter H. Ellis,
Laredo, Texas.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

L. B. J. Jones

Commissioner in Charge.

~~DUPLICATE~~

No.

5219

For Identification as a Mississippi Choctaw.

Date

APR 25 1902

Name *Walter H. Ellis*

Age *28,* Blood *1/32*

Post-Office, *Laredo, Texas,*

Father: *Charles O. Ellis L,*

Mother: *Martha C. " L,*

Claims through *father —*

Children.

*Claims for sep
alone*

Stenographer *H. L. Hains*

Choctaw MCR 5350

Wiley P. Etheridge

See MCR 3676

MCR 5350

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 26, 1902.

5350

In the matter of the application for identification as Mississippi Choctaws of Wiley P. Etheridge for himself and his three minor children, Harley, Fannie and Carl Etheridge.

Applicants not represented by attorney.

Wiley P. Etheridge being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Wiley P. Etheridge, E-t-h-e-r-i-d-g-e.
Q What is your age? A Fifty-four.
Q What is your post office address? A Chico, Wise County.
Q Texas? A Yes, sir.
Q How long have you lived there? A About ten years.
Q Where were you born? A I was born in Tennessee.
Q Where in Tennessee? A Paris, Henry County, Tennessee.
Q How long did you live in Tennessee? A All my life until I came to Texas.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A Jesse L. Etheridge.
Q What is your mother's name? A Mary.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much do you claim? A About one-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir; I reckon not.
Q Have you proof of the marriage of your father and mother here? A No, sir not here.
Q Do you know when and where they were married? A Tennessee.
Q At what place and time? A At Paris I believe.
Q What date? A I could not tell you.
Q You could introduce that later if given time? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Are you married? A Yes, sir.
Q Your wife living? A Yes, sir.
Q Is she a Choctaw Indian or white woman? A White woman.
Q What is her name? A Martha.
Q You make no claim for her? A No, sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have three under age.
Q What is the name of the oldest? A Harley.
Q How do you spell it? A H-e-r-l-e-y.
Q That a boy? A Yes, sir.
Q How old is he? A Nineteen.

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- Q Unmarried? A Yes, sir.
- Q Now the name of the next one? A Wannie.
- Q How old is she? A Fifteen.
- Q Next? A Carl, C-a-r-l.
- Q How old is he? A He is twelve.
- Q That is all? A That is all under age.
- Q Is Martha the mother of these children? A Yes, sir.
- Q They are living with you at your home? A Yes, sir.
- Q Were either you or your wife married before you married each other? A No, sir.
- Q Can you produce proof of the marriage of your wife and yourself here now? A No, sir.
- Q You could send that later? A Yes, sir.
- Q When and where were you married to her? A In Paris Tennessee.
- Q What date? A 8th of October 1872.
- Q By a minister and under a license? A Yes, sir.
- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes, sir.
- Q What do you come here for then; you cannot make an application now if you have already been admitted? A No, we are not enrolled.
- Q You never did live in the Choctaw Nation did you? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of June 10, 1896, for yourself and children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation before this time to the Dawes Commission or any other authority? A No, sir.
- Q This is your first application? A No, sir.
- Q Before any authority for citizenship for your self and children? A Yes, sir.
- Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws yourself and your children claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir; I don't know that I do.

Q The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of that year. The object of that treaty was the removal of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards became ratified on the 24th day of February 1831. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I have been told that William Powell did.
- Q Is that the ancestor through whom you claim? A Yes, sir.
- Q You understand that article? A I think I know what it means.
- Q You understand its purpose? A Yes, sir.
- Q What relation is William Powell to you? A My great grandfather.
- Q How much Choctaw blood did he have? A I don't know that.
- Q How do you figure out one-eighth? A By my great grandmother, she was a Powell.
- Q You mean the wife of William Powell? A This William Powell was my great great grandfather.
- Q You said great grandfather? A Did I.
- Q What was the name of your great grandmother? A Nancy Powell.
- Q Now did Nancy Powell live in the state of Mississippi at any time? A Yes, sir.
- Q Did William Powell live in the state of Mississippi seventy-two years ago; that is, when the treaty of 1830 was signed and have a family there then? A I don't know.
- Q That is very material in your case; it is necessary for you to show that your Choctaw ancestor lived in the old Choctaw Nation in Mississippi or Alabama in 1830 or 1831. The treaty of 1830 was signed September 27th of that year and that same treaty was ratified on the 24th day of February 1831 and it is quite necessary in all these applications that the applicants claiming a right to be identified as Mississippi Choctaws show that the ancestor who had Choctaw Indian blood from whom they claim descent, within six months from the ratification of the treaty of 1830, went to the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; not only to show that, but that they did that and that at that time they took land in the old Choctaw Nation and that they lived there at that time and were the head of a family; now can you show that? A No, sir not now.
- Q You think you may be able later if given time? A Yes, I think so.
- Q Then you don't know of any ancestor who did live in Mississippi in 1830 and have a family there then; William Powell or his daughter Nancy Powell? A No; I have been told that Powell did.
- Q William Powell you mean? A William Powell.
- Q But if at the same time his daughter Nancy lived in Mississippi and she was herself married and the head of a family there then you could not claim through William Powell; you would have to

- Q claim through Nancy, you can't go back any further than that ancestor who you know lived in Mississippi in 1830 or at the time when that treaty was ratified in 1831? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory, West of the Mississippi River between 1833 and 1838 or forty? A I don't know.

The Choctaw Indians who remained in Mississippi in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do this caused a good many Indians who had land in Mississippi in the old Choctaw Nation upon which they had improvements to lose both. Both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by act approved March 3rd of that year Congress appointed a Commission and this Commission went to the state of Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions that of 1837 or the Commission of 1842 and claim any benefits under article fourteen of that treaty? A I don't know but I have been told that William Powell did.
- Q He went before which; that of 1837 or that of 1842? A Forty-two I think.
- Q Did he get any land as the result of going before that Commission? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government as Choctaw Indians which were issued under an act of Congress approved August 23rd 1842; which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q You never heard that William Powell or Nancy Powell or any other Choctaw ancestor ever received land or any right to select it? A No, sir.
- Q Have you any relatives that have been before the Commission to be identified as Mississippi Choctaws? A One I believe.
- Q Who has been here? A W. C. Merriam.
- Q You gave the name of Nancy Powell as the daughter of William Powell? A She married a Lewis Etheridge that was my own grandfather.
- Q She was what relation to you? A She was my own grandmother.

#5

- Q She was William Powell's daughter as this man says here so that you have got this relationship wrong here; now do you want to correct that? A Yes sir.
- Q You want to make Nancy Powell your own grandmother? A Yes sir.
- Q Nancy Powell who married Lewis Etheridge was your grandmother? A A Yes, sir.
- Q Her father was William Powell? A Yes, sir.
- Q He was your great grandfather? A Yes, sir.
- Q In this respect you have changed your former testimony in regard to this relationship? A Yes, sir.
- Q What relation is William C. Merriman? A He is a nephew of mine.
- Q He made application to be identified at Atoka, October 5, 1901? A I don't know when he made it; he don't live anywhere about me.

The records in the possession of the Commission show that William C. Merriman made application to be identified before the Commission at Atoka, Indian Territory, October 5, 1901, for himself and five minor children.

- Q You would like to have the testimony given by him in that application considered with yours in order that they may be consolidated? A Yes, I expect that would be a good idea.
- Q Would you like that? A Yes, sir.

The application of William C. Merriman is here referred to for the purpose of consolidation.

- Q You don't know of any other relative claiming through the same common ancestor? A No, sir;--you mean that wants to make a claim; there are a whole lot of us going to come here.
- Q They are not here yet? A They are on the road.
- Q How many are going to appear? A Four, five or six.
- Q Will they be here in a short time? A I thought they was here now; they are coming in wagons.
- Q Have you any evidence or proof of any kind that you want to present now? A No, sir not now.
- Q You want a reasonable time in which to furnish other evidence? A Yes, sir.

A reasonable time will be allowed this applicant in which to present further proof if he desires in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes; ruddy complexion; hair is nearly black; mustache dark but with some brown color and a little gray. He has the appearance and physical characteristics of a white man. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

Subscribed and sworn to before me this

Charles H. Sawyer

G. Rosenwinkel
10th day of May 1902.

Notary Public.

Miss. Choctaw 5350
Miss. Choctaw 5348

Muskogee, Indian Territory, May 13, 1902.

W. P. Etheridge,

Chico, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 11, inclosing certified copy of the marriage license and certificate between C. P. Etheridge and Nannie George, offered in support of the application for identification as Mississippi Choctaws of Charlie P. Etheridge, et al., and certified copy of the record of the marriage of W. P. Etheridge and Mattie Anderson, offered in support of the application for identification as Mississippi Choctaws of Wiley P. Etheridge, et al., and the same have been duly filed with the records in the above named cases.

Yours truly,

Acting Chairman.

Miss Choctaw 5350

Muskogee, Indian Territory, May 23, 1902.

J. H. Wilson,

Chico, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 22, inclosing certified copy of marriage record between Jesse L. Etheridge and Mary Ann Perry, father and mother of Nancy Wilson, Mary Arnold, Flora Ward and Wiley P. Etheridge, which is offered in support of the applications of the above named persons for identification as Mississippi Choctaws, and the same has been filed with the record in this case, and will receive the consideration of the commission in the disposition of the applications.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 5350

Muskogee, Indian Territory, January 30, 1903.

Wiley P. Etheridge,
Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5428
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Dierker
Acting Chairman.

Registered.

COPY.

M.C.R. 5350.

Muskogee, Indian Territory, December 11, 1903.

Wiley P. Etheridge,

Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED)

James H. Smith

Chairman.

For Identification as a Mississippi Choctaw.

Date

APR 26 1902

Name Wiley P. Etheridge

Age 54 - Blood $\frac{1}{8}$ Post-Office, ~~F~~ Chico, Texas

Father: Jesse L " d

Mother: Mary " d

Claims through father -
 wife Martha Etheridge. l. w.
 No claim for wife

Children:

Herley Etheridge M 19

Fannie " 15

Carle " 12

Claims for self &
 3 minor children -

Stenographer G. Roemond

Choctaw MCR 5351

John Moore

See MCR 5316

MCR 5351

5351

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 21st, 1902.

In the matter of the application of Lucinda Moore for the identification of her minor children, John and Vera Moore, as Mississippi Choctaws.

Said Lucinda Moore, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Lucinda Moore.
- Q How old are you? A I'm forty-five years old-nearly forty-six.
- Q You have no Choctaw blood? A No sir.
- Q What's your postoffice address? A Yazoo City.
- Q How long have you lived in Yazoo County? A Been living there since '67.
- Q You appear before the Commission at this time for the purpose of obtaining rights in the Choctaw lands in Indian Territory for your two minor children under the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes sir.
- Q What are the names and ages of these children? A John, fourteen years old; Vera, eleven years old.
- Q They are both living with you at this time, are they? A Yes sir.
- Q Is their father living? A ~~Yes~~ No sir.
- Q What was his name? A Absalom J. Moore.
- Q How long has he been dead? A Been dead a year the 29th of last May.
- Q How much Choctaw blood did he have? A He had one eighth, so reputed.
- Q What was the name of his father? A William M. Moore.
- Q Did you know him? A Yes sir, I was young at the time. I was about twelve or fourteen years old when they moved away from here.
- Q Do you know where William M. Moore was born? A No sir.
- Q Where did you know him? A I knew him in Yazoo--I also knew him when I was a very small child in Neshoba County.
- Q You speak of his moving away--where did he move to? A He moved from Yazoo to Sebastian County in Arkansas and from there he moved to Indian Territory.
- Q Did he ever come back here to Mississippi? A No sir--his wife came back on a visit and died here. He never did come back.
- Q Did Absalom J. Moore get his Choctaw blood through this man William M. Moore, his father? A Yes sir.
- Q Through which one of his parents did William M. Moore get his Choctaw blood? A His father.
- Q Do you know his name? A I only have heard his name--His name as I have heard was Nittie Cajah.
- Q You never saw him? A No sir, I only know what is the general knowledge of the Moore family and my husband kept up with it closer than his brother, Mr. C.M. Moore, did and all that I knew is what I have heard from him.
- Q Where did this Nittie Cajah live? A I don't know--it seemed that he died when his son William McCajah was a very small child and I think he died in Alabama.
- Q Do you know what part? A No sir.
- Q Did he have any other name besides Nittie Cajah? A I don't know.

Lucinda Moore for her minor children--2

Q Do you know the name of his father? A No sir.

Q He is the one that had Choctaw blood? A Yes sir, it was claimed that his father was half Indian; this Mittie Cajah was half Indian. You know at that time, when I was a child, my father lived in Neshoba County until I was nine years old and there was an Indian village there close to where we lived and at that time it was considered rather a disgrace rather than otherwise to be connected with the Indians--that's just my impression as I was a child. Anyone that had Indian blood in them it wasn't generally made known.

Q Your husband couldn't speak the Choctaw language, could he? A No sir, not to say speaking, though he could talk some little Choctaw. I've heard him say that his father could speak like a native Choctaw. I've heard him also say that there in Neshoba, I've heard my husband say that his father was rather an influential man among the Indians.

Q Has any application of any kind ever been made before today in behalf of these two minor children for whom you now make application? A Yes sir, before this Dawes Commission at Carthage three years ago--my husband at that time was living.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, by A. J. Moore for the identification of himself and minor children, Lester, Abbie, John and Vera as Mississippi Choctaws their names appearing upon Mississippi Choctaw card Field No. D-1, it appearing that this application was denied by the Commission on the 8th day of March, 1899.

Q Your son Lester is of age now? A Yes sir.

Q And married? A Yes sir.

Q Is your daughter Abbie married? A Yes sir.

Q What's her husband's name? A Swayze Clark.

Q Do you know whether any application was made in behalf of these children in 1896? A I don't know anything about that. I don't think there's ever been any application made only before this Commission at Carthage.

Q In 1899? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I don't know--I don't know what the article in question is.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th

Lucinda Moore for her minor children;-3

article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek-do you think you understand that 14th article? A Yes sir, I think I do.

Q Did any of the ancestors of your minor children, for whom you make application, ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not that I know of. As I said a while ago, all that I know is what I learned from my husband.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of them live here, to your knowledge, at that time-72 years ago? A I can't say--I don't know anything about it.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know--I heard my husband say that his father said that his father had a brother but he didn't know what became of him.

Q Do you know what his name was? A No sir, I do not.

Q You don't know whether he moved out to the Territory with these Indians or not? A No sir, I don't know when he disappeared or anything about it.

Q Did any of your husband's Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Lucinda Moore for her minor children--4

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did you ever hear of any of his ancestors ever having received any land from the Government under the treaty of Dancing Rabbit Creek? A No sir, I did not.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of the ancestors of your husband appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not to my knowledge.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your husband's ancestors receive any of this scrip from the Government of the United States under this act of Congress? A No sir, not that I know of.

Lucinda Moore for her minor children--5

Q Do you know of any old persons living who would likely know whether any of the ancestors of your husband ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone that would be likely to know anything about it.

Q You don't know of any written evidence which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No sir, I think not.

Q How many children have you who are of age or married? A Only two-I have four children living.

Q Lester Moore and Abbie Clerk? A Yes sir and John and Vera.

Q Are any of your husband's brothers living? A Two.

Q What are their names? A The one that was here Charles H., and his brother in the Territory William H., who's been admitted.

Q What relation was your husband to Mary F. Kelly? A He was her brother.

Q Full brother? A Yes sir.

The witness is a white woman of more than average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 21st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of April, 1902, at Meridian, Mississippi.

Ira S. Niles
L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

Muskogee, Indian Territory, April 21, 1903.

John Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles M. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles M. Moore, et al.,	M.C.R. 5316
William M. Moore, et al.,	M.C.R. 5315
Benjamin O. Moore,	M.C.R. 5314
Mary F. Moore,	M.C.R. 5313
Charles H. Moore,	M.C.R. 5312
Mary P. Kelly, et al.,	M.C.R. 5311
Charles W. Kelly,	M.C.R. 5310
Benjamin S. Kelly, et al.,	M.C.R. 5325
Mary E. Logan, et al.,	M.C.R. 5309
Bettie A. Kinnison, et al.,	M.C.R. 5308
John D. Kelly,	M.C.R. 5326
Lester H. Moore, et al.,	M.C.R. 5327
Abbie Clark, et al.,	M.C.R. 5307
John Moore, et al.,	M.C.R. 5351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles M. Moore, Thomas M. Moore, George B. Moore, Carl M. Moore, William M. Moore, Theresa Moore, Benjamin O. Moore, Mary F. Moore, Charles H. Moore, Mary F. Kelly, Hattie V. Kelly, Grover C. Kelly, Pat Kelly, Charles W. Kelly, Annie M. Kelly, John F. Kelly, William Kelly, Clara E. Kelly, Benjamin S. Kelly, Mary L. Kelly, Mary E. Logan, Ethel Logan, Butler Logan, Emory Logan, Ruby Lee Logan, Bettie A. Kinnison, Myrtle I. Kinnison, John D. Kelly, Lester H. Moore, Ouida Moore, Abbie Clark, Absalom O. Clark, Inez Clark, John Moore and Vera Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

COPY.

M.C.R. 3351.

Muskogee, Indian Territory, July 14, 1903.

John Moore,

Care Lucinda Moore,

Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 23rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles M. Moore, et al., of which decision you were advised by registered mail on the 21st day of April, 1903.

Respectfully,

SIGNED)

L. C. Moore

Commissioner in Charge.

2083.

No. 5351

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 21 1902

Name *Jucinda Moore (white)*
for her son

Age 45 Blood

Post Office, *Yazoo City, Miss*

Father:

Mother:

Claims through

For 2 minor children

Children:

John Moore

14

Vera

11

Father *Volason V. S. Moore*

18

Stenographer

J. S. Niles

Choctaw MCR 5352

Ann Wilburn

MCR 5352

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Ann Wilburn, et al.,
for identification as Mississippi Choctaws, M.C.R. 5352.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Ann Wilburn, et al.

	Page
Original application of Ann Wilburn, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of Aaron Wilburn.....	7
Decision of the Commission refusing the application of Ann Wilburn, et al., for identification as Mississippi Choctaws.....	8

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5352

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 21st, 1902.

In the matter of the application of Ann Wilburn for the identification of herself and one minor child, Lula, as Mississippi Choctaws.

Said Ann Wilburn, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Ann Wilburn.
- Q How old are you? A I don't know, sir, exactly.
- Q Give us an idea how old you are-how old were you when the slaves were freed? A I was about twelve years old then.
- Q Were you a slave? A Yes sir, I was big enough to tote water.
- Q Then you are about fifty years old--is that right? A Yes sir.
- Q How much Choctaw blood have you? A I don't know how much I got--my father was a whole Indian.
- Q Did your mother have any Indian blood? A No sir.
- Q What kind of an Indian was your father? A Choctaw--she said so--I don't know more than she said.
- Q What's your postoffice address? A Yazoo City.
- Q How long have you lived in Yazoo County? A I been living there for years.
- Q Where did you live before you went to Yazoo? A I was bred and born there.
- Q Lived there all your life? A Yes sir.
- Q Is your father living? A I don't know, sir, whether he's living or not. I know my mother's dead.
- Q What was your mother's name? A Violet.
- Q Violet what? A Violet Harrison.
- Q She was a slave, was she? A Yes sir.
- Q Do you know what your father's name was? A Harrison.
- Q What other name did he have? A I don't know, sir.
- Q You claim he was a full blood Choctaw? A Yes sir, that's what mother said.
- Q You never saw this man Harrison? A Yes sir, I saw him twice.
- Q Where did you see him? A He come to my mother's house and I asked him who he was and she told me he was my father; at that time they weren't married but they were together.
- Q They never lived together as husband and wife, did they? A I reckon they did--they was together.
- Q How long were they together? A They were together until she died.
- Q When did your mother die? A ~~I don't know~~ She's been dead now for years.
- Q About how long? A I can't tell exactly how long.
- Q How long after the surrender was it that she died? A My mother died before the surrender--a year before the surrender. I was taken then and scattered about as children are when their parents die and I was taken by other people.
- Q Did your mother ever have any other children by this Indian? A No sir.

Ann Wilburn et al--2

- Q Never did? A No sir, none but me.
- Q How old were you when you saw him first? A I reckon I was about twelve years old at that time.
- Q When you first saw him? A Yes sir.
- Q From the time you can first recollect, when you were twelve years old, he didn't live with your mother, did he? A No sir, he come there twice and I never saw him no more and then my mother died. Other people raised me up.
- Q Do you know the names of the parents of this Indian, Harrison?
- A No sir, I don't know the names of them. I know she told me his name.
- Q You don't know the name of a single one of your Choctaw ancestors except Harrison when you claim to have been your father? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Choctaw blood? A No sir.
- Q What's his name? A Aaron.
- Q You make no claim for him? A No sir.
- Q Have you any children living? A Only one.
- Q What's that child's name? A Lula.
- Q How old is she? A I reckon she's about fifteen or sixteen--she's going to school.
- Q Is she the child of yourself and Aaron Wilburn? A Yes sir.
- Q This application, then, is for yourself and one minor child? A Yes sir.
- Q Has any application of any description ever been made before today for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A No sir, not a s I know anything about.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under the 14th article of the treaty of Dancing Rabbit Creek--is that what you are here for? A Yes, I reckon so.
- Q Do you understand that 14th article? A No sir, I don't understand what you are talking about.
- Q Do you know what a treaty is? A No sir.

A treaty is a contract of agreement between two nations or a nation and a tribe of Indians--for instance--the Government of the United States and a Tribe of Indians. They come together and make a contract or agreement and we call it a treaty. This treaty is divided up in different parts each one treating of different subjects and they number those articles or paragraphs 1-2-3-4- and so on. This article that you are claiming under is numbered 14, the 14th article of the treaty. This treaty was entered into down here in Mississippi on the 27th day of September, 1830, over 72 years ago--twenty years and more before you were born--between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new

country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A I reckon so.

The requirements contained in this 14th article of the treaty of Dancing Rabbit Creek were of those Indians who lived here in Mississippi 72 years ago and wanted to stay here and not move out to the new nation. If a Choctaw, who might have been living here at that time, wanted to stay here and take land and become a citizen of the States he was required by the terms of that 14th article to let the Agent, which the Government had here at that time for that purpose, know that he wanted to stay here and he must let that Agent know within six months from the time that treaty was finally ratified or finally agreed to, and the Agent would then make a reservation for this Choctaw and for the members of his family; for himself he was entitled to a section of land or a piece of land a mile square and for all of his children over ten years of age he was entitled to a piece of land containing 320 acres or a half section; for children under ten years of age he was entitled to a quarter section or 160 acres. The reservations of these children were required by the terms of the 14th article to adjoin the location of the parent and the res-

ervations for these Choctaws were required in each instance to include the improvement of the head of the family as it existed on the 27th day of September, 1830. Now, if these Indians lived on this land for five years from the time the treaty was ratified, that is five years from February 24th, 1838, they were entitled to a grant in fee simple for the same--that is, the Government would give them a deed or patent to the land and it would become the property of the Indians, to dispose of at their pleasure. That 14th article provided, further, that persons who claimed under that article--that is persons who stayed here and took advantage of its provisions--should not lose the privilege of a Choctaw citizen but if they ever removed--that is, if they ever moved out to the new nation west of the Mississippi River--they were not to be entitled to any portion of the Choctaw annuity. Choctaw annuity is money which becomes due each year to the Choctaws under treaty provision.

Q Did any of your Choctaw ancestors live here in 1830 when this treaty was made--here in the old Choctaw Nation in Mississippi and Alabama? A Yes sir.

Q Who? A My father was here.

Q In 1830? A I reckon he was--I know when I saw him he was here. I was bred and born in Mississippi.

Q You say him about thirty years after 1830? A I don't know, sir.

Q You don't know where he was living 35 or 36 years before you saw him? A No sir, I don't know where he was or where my mama found him at. She said he was my papa.

Q You don't know, then, whether any of your Choctaw ancestors lived here in the old Choctaw Nation in 1830 when the treaty was made, do you? A I don't know.

Q Do you know whether any of them owned an improvement here at that time? A I don't know, sir.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838--do you know about that, whether any of them left this country and went out west between those years? A I don't know, sir.

Q Did any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was made let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent

failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A Yes sir.

The affidavit of Aaron Wilburn is offered in evidence, identified as Exhibit-A, filed and made a part of the record in this case.

Q Who is Aaron Wilburn who makes this affidavit--your husband? A Yes sir.

Ann Wilburn et al--6

Q You have no other written evidence of any kind to offer? A No sir.

Q Any witnesses here today to testify in your case? A No sir, I didn't have no money to bring none.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q You never had a full brother or sister, did you? A No sir.

Q Did you ever have any half brothers or sisters by your father, to your knowledge? A No sir, not as I knew of.

Q Did you ever have more than this one child? A Yes sir, I had more but they are dead.

Q Did any of your children leave children? A No sir.

Q You don't speak or understand the Choctaw language, do you? A I wasn't raised to talk Choctaw.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates--her hair, however, is inclined to be straight--she has the features and facial expression of a negro--does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 21st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 30th day of April, 1902, at Meridian, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

14

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Civil.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ann Wilburn, et al.,
for identification as Mississippi Choctaws, M.C.R. 5352.

--(D E C I S I O N)--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Ann Wilburn for herself and her minor child Lula Wilburn, under the provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant herein was born of a slave mother, prior to the Emancipation Proclamation, and was herself a slave and that the minor applicant herein is her lineal descendant; and it does not appear

from the records in the possession of the Commission that either of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Ann Wilburn and Lula Wilburn as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Jane Bixby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 3 1902

COPY.

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ann Wilburn, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Ann Wilburn and Lula Wilburn as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 3, 1902.

Ann Wilburn,

Yazoo City, Mississippi.

Dear Madam:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ann Wilburn, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Ann Wilburn and Lula Wilburn as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review

A. V. #2.

to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixby.

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ann Wilburn, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc.: M.C.R.5352.

COMMISSIONER IN CHARGE.

~~Acting Chairman.~~

(COPY)

Land.

DEPARTMENT OF THE INTERIOR,

75,912-1902.

Office of Indian Affairs,

Washington, Feb. 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Ann Wilburn for the identification of herself and her minor child, Lula Wilburn, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on December 3, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application on their descent from Harrison, who, they allege, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830. It is also shown that the principal applicant was born of a slave mother, prior to the Emancipation Proclamation, and was herself a slave.

The commission rejected the applicant for the reason that in its opinion, under the provisions of the Act of Congress of June 28, 1898, (30 Stats., 495), no freedman is entitled to identification as a Mississippi Choctaw.

-2-

An examination has been made of the records of this office with reference to the name of Harrison, and it is discovered that his name does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Respectfully,

A.C.Tonner

Acting Commissioner.

(E.B.H.)

P.

(COPY)

D C 7258-1903.

DEPARTMENT OF THE INTERIOR.

RAF.

ITD. 1730-1903.

Washington.

L.R.S.

March 12, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ann Wilburn and her minor child Lula Wilburn, including your decision of December 3, 1902, rejecting the application.

You found that the principal applicant was born of a slave mother and was herself a slave, and held that no freedman is entitled to be identified as a Mississippi Choctaw.

It appears that the applicants claim to be descendants of one Harrison, who is alleged to have been a Choctaw Indian residing in Mississippi in 1830, and the Acting Commissioner of Indian Affairs reports that the records of the Indian Office fail to show that said Harrison complied or attempted to comply with article 14 of the treaty of September 27, 1830, and recommends that your decision be approved. A copy of his letter of February 14, 1903, is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1 inclosure.

M.C.R. 5352

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Ann Wilburn et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED).

L. B. B. B.

Chairman.

Muskogee, Indian Territory, March 24, 1903.

Ann Wilburn,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 12th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Ann Wilburn, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

Tamc Eirtu.
Chairman.

#2000

No. 5252

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 21 1902

Name Ann Withers

Age 50 Blood 1/2

Post Office, Vicksburg, Miss.

Father: Garrison

Mother: Violet Garrison d

Claims through father.

Husband

Garrison Withers

no record in record

Children:

Lula Withers 15

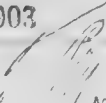
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O. S. Kiles

1903
COMMISSION TO THE CIVILIZED TRIBES.

FILED

JAN 20 1903


ACTING CHAIRMAN

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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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~~Ann Wilburn~~

~~Yazoo City, Mississippi.~~



Choctaw MCR 5353

Margaret Taylor

MCR 5353

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Taylor,
et al., for identification as Mississippi Choctaws, M.C.R. 5353.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together with the page occupied
by each in said record.

	page
Original application of Margaret Taylor, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws.....	1
Affidavit of Robert Ammons.....	7
Affidavit of Ben Poe.....	8
Final decision of the Commission, refusing the application for identification as Mississippi Choctaws, in the case of Margaret Taylor, et al.....	9

5353

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 21st, 1902.

In the matter of the application of Margaret Taylor for the identification of herself and three minor children, Barbara, Hettie and Priscilla, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Margaret Taylor, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Margaret Taylor.
Q How old are you? A I am forty-nine.
Q How much Choctaw blood have you? A One-quarter.
Q What's your postoffice address? A Dadds ville.
Q What County? A Sunflower County.
Q How long have you lived in Sunflower County, Mississippi? A Seven years.
Q Where did you live before that? A Lived in Webster County-- moved from Choctaw County to Webster County.
Q How long did you live in Webster? A About twenty years.
Q Before that you lived in Choctaw County? A Yes sir, I was born and raised in Choctaw County.
Q Mississippi? A Yes sir.
Q You have lived in this State, then, all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Charles Loggins.
Q Is your mother living? A Yes sir.
Q What's her name? A Hettie Loggins.
Q Through which one of your parents did you get your Choctaw blood? A My father.
Q How long has he been dead? A Fifteen years.
Q How old was he when he died? A He was about sixty years old.
Q Where was your father born? A In Choctaw.
Q Choctaw County, Mississippi? A Yes sir.
Q Lived there all his life? A Yes sir.
Q Was he a slave? A I don't know, sir--I reckon so.
Q You were born in slavery, were you? A Yes sir.
Q Were your father and mother married? A Yes sir.
Q Under a license? A Yes sir, you know in slavery time you know I reckon they did have no license.
Q How many children were born to them? A Five.
Q How long after the surrender did they live together as husband and wife? A They lived together all their lives as husband and wife--died husband and wife.
Q Your father, according to your statement, was one-half Choctaw? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A Through his mother.
Q What was her name? A Amy Ammons.
Q Did you ever see her? A No sir.
Q You claim she was a full blood Choctaw, do you? A Yes sir.

Q How do you know she was a full blood Choctaw? A By my witness.
Q Who is your witness? A My uncle.
Q What's his name? A Allen Loggins, Ben Porter and Bob Ammonds.
Q Three witnesses? A Yes sir.
Q Where was your father's mother born? A I don't know.
Q Do you know where she lived during her life time? A In Choctaw.
Q Choctaw County, Mississippi? A Yes sir.
Q Did she live anywhere else? A Not that I know of.
Q How long has she been dead? A Long before the war.
Q Do you know the names of her parents? A No sir.
Q Did she ever have any other children besides your father? A Yes sir.
Q Are any of them living? A Yes sir.
Q Any of her other children? A Yes sir, I've got some uncles living.
Q What are their names? A Bob Ammonds, Ben Porter and Allen Loggins.
Q They are all half blood Choctaws, are they? A They claim to be half brothers to my father.
Q Neither of them have Choctaw blood, then? A They don't claim it.
Q Did your father ever have any full brothers or sisters? A Not that I know of.
Q He was Amy's only child, then? A Yes sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Horace Tayler.
Q He has no Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q How many children have you living who are under age and unmarried?
A Three under age.
Q What are the names of your three minor children and their ages?
A Barbara.
Q How old is she? A Nineteen.
Q Next one? A Hettie.
Q How old? A Eighteen.
Q Next one? A Priscilla.
Q How old? A Fifteen.
Q Is that all? A Yes sir.
Q Are these children living with you at this time? A Yes sir.
Q They are all the children of yourself and Horace Tayler? A Yes sir.
Q How many children have you of age? A Two.
Q Are they the children of yourself and Horace Tayler? A Yes sir.
Q Are they married? A No sir.
Q What are their names? A Jordan and Frank Taylor.
Q This application is for yourself and three minor children? A Yes sir.
Q Has any application of any description ever been made before today for you or either one of these children for the purpose of establishing your rights as Choctaw Indians? A Never as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir, whether I really understand it or not.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who preferred to stay here and not move out west to the new nation what was known as the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article? A Yes sir, I think I do.

Q Did any of your ancestors live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Did any of them own an improvement here at that time? A No sir, not that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Margaret Taylor, et al---4

Q If, then, any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article, you never heard of it? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they ~~was~~ supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I ever have known of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not that I knew of.

Margaret Taylor et al--5

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts--any papers, deeds or patents? A No sir.

Q Have you any witnesses here today to testify in your behalf? A No sir.

Q Have you any written evidence of any kind to offer? A Yes sir.

The joint affidavit of Robert Ammons and Allen Loggins and the affidavit of Ben Poe are offered in evidence, identified as Exhibits A and B, respectively, filed and made a part of the record in this case.

Q What relation is this man Robert Ammons to you? A He's said to be a half brother of my father.

Q What relation is Loggins to you? A He's a half brother to my father.

Q Is Poe any relation to you? A He's said to be the same.

Q None of them are here today, are they? A No sir, they wasn't able to come.

Q You have no further written evidence to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now ~~the~~ and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskegee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

By Mr. Reader:

I desire to offer in evidence Section 22 of the Constitution of the State of Mississippi adopted on the 1st day of December, 1869, which is as follows:-

"All persons who have not been married but are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law as married and their children, whether born before or after the ratification of this constitution, shall be legitimate and the Legislature may by law punish adultery or concubinage."

By the Commission:

Q Have you any brothers living? A Not that I know of.

Q Did you ever have any? A Yes sir, I had two. I haven't seen them in seven or eight years. I don't know whether they're living or not.

Margar et Taylor et al---6

Q Q Have they any children living, to your knowledge? A Yes sir, one of them has children living.
Q Do you know where they are now? A No sir.
Q Do you know their names? A Yes sir, one of them was Roxie Loggins and the other was Charlie Loggins.
Q Next one? A Missouri Loggins.
Q What was your brother's name? A Peter Loggins.
Q You don't know whether he's been before the Commission or not?
A I know he never has, cause I don't know whether he's living or not.
Q What's the name of your other brother? A Charlie Loggins.
Q Has he ever been before the Commission? A Not that I know of.
Q Has he any children living? A Not that I know of.
Q Did you ever have any sisters? A I had one sister, she's dead.
Q Did she leave any children? A Yes sir, she left three.
Q Are they living? A Yes sir.
Q What are their names? A Sallie Tyler, John Tyler and Cora Tyler.
Q Are either of the girls married? A Yes sir, all the children are married.
Q What are their married names? A Sallie Bush and Cora Dyer.
Q Have any of them been before the Commission? A No sir, not that I know of.
Q Have your two sisters who are of age been before the Commission?
A No sir.
Q Have you given us the names of all of the descendants of Any Ammonds who are living? A Yes sir, all that I know of.
Q You don't speak or understand the Choctaw language, do you? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates; her hair, however, is inclined to be straight; she has the features and facial expression of a negro--does not speak or understand the Choctaw language.

9-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 21st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 5th day of May, 1902,
at Muskogee, Indian Territory,

Charles H. Seay
Notary Public.

E.H.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Tayler,
et al., for identification as Mississippi Choctaws, N.C.R. 3353.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Margaret Tayler for herself and her three minor children, Barbara, Nettie and Priscilla Tayler, under the following provision of the act of Congress approved June 20, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that the other applicants herein are her lineal descendants, and it does not appear from the records in the possession of the Commission that any of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly

2.

constituted court or committee of the Cheateau Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Cheateau, and that the application of Margaret Tayler, Barbara Tayler, Hettie Tayler, and Priscilla Tayler as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNATURE)

Tamm Dickey

Acting Chairman.

T. F. McCallister

Commissioner.

C. C. Dickinson

Commissioner.

Muskogee, Indian Territory,

OCT 29 1902

COPY

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Cornis,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Margaret Taylor, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Margaret Taylor, Barbara Taylor, Nettie Taylor and Priscilla Taylor as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Pixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, October 29, 1902.

A.W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Margaret Taylor, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Margaret Taylor, Barbara Taylor, Hettie Taylor, and Priscilla Taylor as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamc Dixby.

Acting Chairman.

Registered.

COPY.

M. C. R. 5353

Muskogee, Indian Territory, October 29, 1902.

S. A. Beadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Margaret Taylor, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Margaret Taylor, Barbara Taylor, Hettie Taylor and Priscilla Taylor as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tams Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 29, 1902.

Margaret Taylor,

Doddsville, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Margaret Taylor, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Margaret Taylor, Barbara Taylor, Rettie Taylor, and Priscilla Taylor as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Pirby

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Margaret Taylor, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1902.

The Commission has the honor to report that the principal applicant herein, her attorney of record, her agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dixie.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 8853

(COPY)

Land.
68828-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, April 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Margaret Taylor for the identification of herself and her three children, Barbary, Hettie and Priscilla Taylor as Mississippi Choctaws.

On October 29, 1902, the Commission rendered a decision in this case finding that under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495) no freedman is entitled to identification as a Mississippi Choctaw and that as such the application herein should be refused.

An examination of the record evidence shows that the applicants claim to have derived their Choctaw blood from one Charles Loggins and Amy Ammonds but neither the record evidence nor an examination of the records in this office show that any person by the name of Charles Loggins or Amy Ammonds ever complied or attempted to comply with the provisions of Article 14, of the treaty of 1830, or secured a patent for land thereunder.

-2-

By reason of the premises the office considers said decision of the Commission correct and recommends that it be affirmed by the Department.

Very respectfully,

A/ G. Tenner,

Acting Commissioner.

W. G. B.

L.

(COPY)

D.C. 14940-1903.

W.C.F.

ITD. 3710-1903.

RAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

May 16, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Margaret Taylor and her minor children, Barbara, Hettie and Priscilla Taylor. The principal applicant and her mother were slaves prior to the Emancipation Proclamation, and you refused the application October 29, 1902, holding that no freedman is entitled to identification as a Mississippi Choctaw.

The applicants claim to be descendants of Amy Ammonds, a full blood Choctaw, through her son, Charles Loggins, father of the principal applicant, it being alleged that they were residents of Mississippi at the time of making the treaty of 1830. The evidence fails to show that Charles Loggins or Amy Ammonds complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any one by the name of Charles Loggins or Amy Ammonds complied or attempted to comply with said article or acts.

The Department is therefore of the opinion that the applicants have failed to establish their claim.

Reporting April 8, 1903, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the application be approved. Copy of his letter is inclosed.

The Department affirms your decision in so far as it rejects the application.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 3353

Muskogee, Indian Territory, May 29, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Margaret Taylor, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

(SIGNED).

T. B. Needles.
Commissioner in Charge.

COPY.

M.C.R. 5333

Muskogee, Indian Territory, May 29, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Margaret Taylor, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

COPY.

M.C.R. 5353

Muskogee, Indian Territory, May 29, 1903.

S. A. Beadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Margaret Taylor, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

(SIGNED).

E. I. Medico

Commissioner in Charge.

M.C.R 3353

Muskogee, Indian Territory, May 29, 1903.

Margaret Taylor,

Doddsville, Mississippi.

Dear Madam:

You are hereby notified that on the 16th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Margaret Taylor, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

(SIGNED):

T. B. Noradine

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 5353.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 9, 1907.

Margaret Taylor,
Sallisaw, Indian Territory.

Dear Madam:

Your letter dated February 16, 1907, to the Indian Agent, requesting to be informed as to whether your name appears upon the final roll of citizens by blood of the Choctaw Nation, has been referred to this Office.

In reply thereto, you are advised that on May 16, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered October 29, 1902, denying the application for identification of yourself and minor children as Mississippi Choctaws, and that said case is now closed.

Respectfully,



Commissioner.

#3081

No. 5053

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 21 1902

Name Margaret Taylor

Age 49 Blood 1/4

Post Office, Columbus, Miss.

Father: Charles Loggins 1/2 d

Mother: Feltie " 1/2

Claims through Father

husband -

Charles Taylor

born in Mississippi

Children:

Barbara Taylor 19

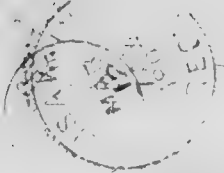
Feltie " 18

Frederick " 15

father's mother Mrs. Ammons (nee) d

Stenographer

J. D. Miles



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APR 1 1907

[Handwritten signature]

CHIEF OF BUREAU

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



~~Margaret Taylor,~~

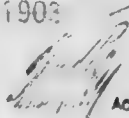
~~Sallisaw, Indian Territory~~

5353

THE INTER-STATE
COMMISSION ON THE FUTURE OF THE UNITED STATES

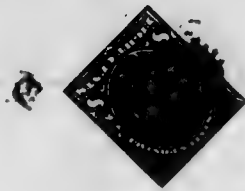
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JAN 2 1903



ACTING CHAIRMAN

DEC 18 1902



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Margaret Taylor,

Doddsville, Mississippi.

VOL. 28
D. L. O. Record,
No.

Choctaw MCR 5354

Hedley West

MCR 5354

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Hadley West, et al.,
for identification as Mississippi Choctaws, E. C. R. 3354.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each in
said record.

	Page.
Original application of Hadley West, et al., for identification as Mississippi Choctaws.	1
Testimony of Charlie Wilson in support of application.	5
Decision of the Commission refusing the appli- cation of Hadley West, et al., for identifica- tion as Mississippi Choctaws.	7

53521

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 21st, 1902.

In the matter of the application of Hedley West for the identification of himself and three minor children, Evaline, Linroe and Charlie West, for identification as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
H.W. Jones, Agent for applicant.

Said Hedley West, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Hedley West.
Q How old are you? A Thirty-nine years old.
Q How much Choctaw blood have you? A About a quarter I reckon.
Q What's your postoffice address? A Doddsville, Mississippi.
Q What County? A Sunflower County.
Q How long have you lived in Sunflower County? A Come to Sunflower County in 1899.
Q Where did you live before that? A I stayed in Bolivar County.
Q How long did you stay there? A Three years.
Q Where did you stay before that? A I lived in Kentucky.
Q How long did you live in Kentucky? A I was born in Kentucky.
Q Lived there all your life until you moved to Bolivar County? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Joe Doughty.
Q Is your mother living? A No sir.
Q What was her name? A Rilla Barnes.
Q Through which one of your parents did you get your Indian blood?
Q It come from my mother's side.
Q How much Indian blood did your mother have? A My mother was half Indian.
Q Your father had no Indian blood? A If he did I didn't know anything about it--I never seen my father.
Q What kind of Indian blood did your mother have? A Choctaw.
Q How do you know? A I know by what she said.
Q Where was she born? A Born in Choctaw County.
Q What State? A Mississippi.
Q Your mother was? A yes sir.
Q How long did she live in that State? A I don't know.
Q Was she a slave? A I suppose so. from
Q Do you know when she went to Kentucky Mississippi? A No sir.
Q Could she speak or understand the Choctaw language? A Not as I know of.
Q How old would she be if she were living now? A About seventy years old.
Q Do you know the names of her parents? A Yes sir.
Q What was her father's name? A I don't know the name of her father.
Q What was her mother's name? A Mimie.
Q Did you ever see Mimie West? A Yes sir.
Q How long has she been dead? A About twenty years.
Q How old was she when she died? A Seventy-two years.

- Q Was she a full blood Choctaw? A yes sir.
Q Where did she live? A She live d in Choctaw County.
Q All her life? A No sir.
Q Where else did she ever live? A She went from Choctaw County, Mississippi to middle Tennessee, and from there back to Kentucky.
Q Did she die in Kentucky? A Yes sir.
Q Was she a slave? A I suppose so.
Q Do you know whether she could speak or understand the Choctaw language? A no sir, I do not.
Q What makes you think she was a full blood Choctaw Indian? A I've heard her say so and I've seen her.
Q Did you ever see a full blood Choctaw? A Yes sir, I suppose I have.
Q Do you think from her appearance that she was a full blood? A Yes sir.
Q no you know about how old she was when she left the State of Mississippi? A no sir.
Q Have no idea? A no sir.
Q Are you married? A yes sir.
Q Is your wife living? A Yes sir.
Q Are you living with her now? A Yes sir.
Q was she any Choctaw blood? A Not as I know of.
Q What's her name? A Annie West.
Q You make no claim for her, then? A no sir.
Q Have you been married more than once? A No sir.
Q gave you any children living? A Yes sir.
Q How many? A Three.
Q Are they all under age? A Yes sir.
Q All living with you at this time? A yes sir.
Q Are they all the children of yourself and Annie West? A Yes sir
Q What are their names and ages? A Evaline, thirteen.
Q Next one? A ~~James~~ Linroe.
Q How old? A Nine years old.
Q Next one? A Charlie, seven years old.
Q Were you married to annie under a license? A yes sir.
Q Where? A In Kentucky.
Q When? A 1887.
Q Who married you? A I don't know--I forgot.
Q Preacher? A Yes sir, a preacher.
Q Where did you get your license? A I got it at Hickman, Kentucky.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Annie West for use in connection with the application you make in behalf of your three minor children. This evidence should be furnished within thirty days from this date if possible.

- Q This application is for yourself and three minor children, is that correct? A Yes sir.
Q Has any application of any description ever been made before today for you or anyone of these children? A no sir.
Q Do you appear before the commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q no you understand this 14th article of the treaty of Dancing

Rabbit Creek? A Yes sir, I understand it.

Q Do you know whether any of your Choctaw ancestors were living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Do you know whether any of them owned an improvement here at that time? A No sir, I don't.

Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Do you know whether any of them within six months from the time the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir, I don't know.

Q Do you know whether any of them ever claimed or received any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

Q If, then, any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder you don't know of it? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land under this 14th article and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Hedley West et al--4

An act of congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government, they should be entitled to select in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A I have a witness here.

Q What's his name? A Charlie Wilson.

Q What do you expect to prove by this witness? A I expect to prove that he seen my people and he knows how much Indian blood they got in them.

Q He does not know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Is he any relation to you? A No sir.

Q Interested in any way in the result of your application? A No sir.

Q You have no other witnesses? A No sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Have you any full brothers living? A No sir.

Q Did you ever have any full brothers? A I had one brother.

Q Full brother? A Yes sir.

Q Did he leave any children? A No sir.

Q Did you ever have any full sisters? A No sir.

Q Did you ever have any half brothers or half sisters? A No sir.

Q Did your mother ever have any full brothers? A No sir.

Q Or any full sisters? A Yes sir, I suppose she did.

Q Are any of her full sisters living now? A No sir.

Q Did any of ~~them~~ them leave children? A Yes sir, one of them, she only had one and she left children.

Hedley West et al---5

- Q What was her name? A Paralee West.
Q Was she a full sister of your mother? A Yes sir.
Q How many of her children are living now? A I really don't know.
Q Where do they live? A In Kentucky.
Q Have they ever been before this Commission? A No sir, not as I know of.
Q Did your mother ever have any half brothers or half sisters on her mother's side? A I couldn't tell you, I don't know.
Q You don't speak or understand the Choctaw language, do you? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates; his hair, however, is inclined to be straight; he has the features and facial expression of a negro--does not speak or understand the Choctaw language.

Charlie Wilson, being first duly sworn, testified as follows:

Examination by the commission.

- Q What's your name? A Charlie Wilson.
Q How old are you? A About forty-eight.
Q Where do you live? A Doddsville,
Sunflower County, Mississippi? A Yes sir.
Q How long have you lived there? A Been there about six years.
Q Where did you live before that? A I was born in middle Tennessee and raised in Kentucky.
Q What part of Kentucky did you live in before you came to Doddsville? A Lived at Hickman, Kentucky, Fulton County.
Q What is your occupation? A Blacksmith.
Q Were you a slave? A I can remember a little about the war.
Q Were you born in slavery? A Yes sir.
Q Are you acquainted with the applicant Hedley West? A Yes sir.
Q How long have you known him? A For twenty or twenty-five years I reckon.
Q Where did you first become acquainted with him? A At Moscow, Kentucky.
Q When he was a boy? A Yes sir.
Q Where did he live since that time? A He lived at Hickman part of the time and the rest of the time in Mississippi.
Q Are you any relation to him? A No sir.
Q Are you interested in any way in the result of his application? A No sir.
Q Are you acquainted with his mother and father? A Acquainted with his mother--I never saw his father.
Q How long has his mother been dead? A About thirteen or fourteen years I think maybe in all.
Q About how old was she when she died? A I don't know how old she was --getting pretty old when she died.

Hedley West et al---6

- Q About how old do you think she was? A I think she must have been sixty.
- Q Where did you first become acquainted with her? A At Hickman, Kentucky.
- Q About the same time you first knew him? A Yes sir.
- Q Was she a slave? A I know she was a slave--she was old enough to be a slave.
- Q Do you know where she lived before she came to Hickman? A I've heard her say she was born in Choctaw county.
- Q Choctaw County where? A In Mississippi, I think--I know I used to hear how bad they used to treat colored folks down south.
- Q Do you know anything about her being possessed of Choctaw Indian blood? A No sir.
- Q Do you know anything about that? A No sir.
- Q Did she have any Indian blood to your knowledge? A She looked just like an Indian--everybody said she was Indian--half Indian.
- Q You don't know what kind of Indian she was? A She said she was Choctaw--she told me many times she was Choctaw Indian--her father was half Choctaw.
- Q She told you that her father was a half Choctaw? A Yes sir.
- Q Did she ever tell you what her father's name was? A If she did I disremember it.
- Q Did you ever see her mother? A No sir.
- Q You don't know anything about her? A No sir.
- Q Did you ever hear her speak of her mother? A Yes sir, she said she had been dead for years.
- Q Did she ever tell you what her name was? A If she did I can't remember it.
- Q You never heard her say that her mother had any Choctaw blood, did you? A No sir.
- Q She claimed to get her Choctaw blood through her father? A Yes sir.
- Q Do you know where her father was born and raised? A No sir, I don't.
- Q Or where her mother was born and raised? A No sir.
- Q Is that all you know about this case? Yes sir.

The witness is a negro of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 21st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 5th day of May, 1902,
at Muskogee, Indian Territory.

Charles H. Sawyer
Notary Public.

W. L. Cow.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----,-----
In the matter of the application of Hedley West, et al.,
for identification as Mississippi Choctaws, M. C. R. 5354.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Hedley West for himself and his three minor children, Evaline, Linroe and Charlie West, under the following provision of the act of Congress approved June 25, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Miale West, who is alleged to have been a full blood Choctaw Indian.

R.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 16, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said ~~Linie~~ Vest, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hedley West, Evaline West, Linree West and Charlie West as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty.

B.

and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tama Pixby,

Acting Chairman.

(SIGNED)

I. B. Needles,

Commissioner.

(SIGNED)

C. R. Breckinridge,

Commissioner.

Washita, Indian Territory,

DEC 2 1902

COPY.

M.C.R. 5854.

Muskogee, Indian Territory, December 3, 1902.

Hedley West,

Doddsville, Mississippi

Dear Sir:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hedley West, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hedley West, Evaline West, Maroe West and Charlie West as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

- 2 -

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED
Tame Dixby.
Acting Chairman.

Registered.

COPY.

.C.P. 5354.

Muskogee, Indian Territory, December 3, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hedley West, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hedley West, Evaline West, Linroe West and Charlie West as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

-1- 3 -1-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 3, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hedley West, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hedley West, Evaline West, Linroe West and Charlie West as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

-1- 2 -1-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James H. Lacey
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, December 3, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hedley West, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hedley West, Evaline West, Linroe West and Charlie West as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

Tame Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Hedley West, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

The Commission has the honor to report that the principal applicant, his agent, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of John W. Gray, et al., decision in which was rendered by the Commission on September 4, 1900, and approved by the Secretary on January 25, 1902.

Respectfully,

(SIGNATURE)

I. E. Needles

COMMISSIONER IN CHARGE
Indian Affairs

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 3384.

M.O.R.5354.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Hedley West, et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

Jams Bixby.
Chairman.

Muskogee, Indian Territory, January 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of Hedley West, et al., applicants for identification as Mississippi Choctaws, the record in this case, together with the decision of the Commission refusing said application, was forwarded to the Department on December 19, 1902.

On this date there was filed with the Commission certified copy of marriage record between H. W. West and Annie Reed, the joint affidavit of Annie West, Evaline West and Lenroe West, and the joint affidavit of David Upshaw, Charles Wilson and Annie West, relating to this case.

The same are herewith transmitted to you.

Respectfully,

Enc.
R.B.E. 200.

Acting Chairman.

Muskogee, Indian Territory, January 3, 1903.

Annie West,

Doddsville, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter forwarding certified copy of marriage record between H. W. West and Annie Reed, joint affidavit of Annie West, Evaline West and Lenroe West, and joint affidavit of David Upshaw, Charles Wilson and Annie West, offered for filing in support of the Mississippi Choctaw case of Hedley West, et al.

The record in this case, together with the decision of the Commission refusing this application, was, on December 19, 1902, forwarded to the Secretary of the Interior.

The applicant will be duly notified of any action taken by him.

The documents above mentioned have this day been transmitted to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY.

Land 75911-1902
1704-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington February 10, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Hedley West for himself and three children, Evaline, Linroe and Charlie West, wherein a decision adverse to the applicants was rendered by the Commission on December 3, 1902.

An examination of the evidence in this case shows that the applicant in chief is unable to testify as to whether the ancestor through whom he claims, Mimie West, was a member of the Choctaw tribe in Mississippi or Alabama in 1830, or had any improvements, or was a beneficiary under the 14th article of the Choctaw treaty of 1830; and the supplemental proof submitted by the applicant in no wise strengthens his case.

The Commission bases its decision rejecting this application on the ground that the name of Mimie West doesnot appear on its records as one of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

-2-.

An examination of the records of this office discloses the fact that the name of Minnie West is not among the list of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and the office recommends that the decisions of the Commission rejecting the parties be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

4 enclosures.

COPY.

D. C. No. 5913-1903.
ITD. 1578-1903.
L. R. S.

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

February 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Hedley West and his minor children, Evaline, Linroe, and Charlie West, including your decision of December 3, 1902, denying the application. January 3, 1903, you forwarded certain papers in the case, which were filed with the Commission on that date.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Mimie West, alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Mimie West, or an ancestor less remote, complier or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

-2-

Reporting February 10, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the record and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.O.R. 6354.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Hedley West,

Doddsville, Mississippi.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Hedley West, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

Tarns Birby
Chairman.

COPY

M.C.R.5354.

Muskogee, Indian Territory, March 12, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Hedley West, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

SIGNED

Tame Pirbu
Chairman.

N.O.R.5354.

COPY.

Muskogee, Indian Territory, March 12, 1903.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Hedley West, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

Lewis Birby.
Chairman.

2086

No.

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

Name Hedley West

Age 39 Blood 1/4

Post Office, Addicks, Miss

Father: Dr. Daugherty d

Mother: Ella Garner 1/2 d.

Claims through mother
wife

Annie West

No claim for wife.

Children

Children:

Eveline	West	13
Linnora	"	9
Charlie	"	7

mother's mother Annie West (died) d

Stenographer

J. A. Hiles

Choctaw MCR 5355

Howell L. Goins

MCR 5355

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Howell L. Goins, et al., for identification as Mississippi Choctaws, M. C. R. 5355.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Howell L. Goins, et al.

Page.

Original application of Howell L. Goins, et al., for identification as Mississippi Choctaws1

Decision of the Commission refusing the application of Howell L. Goins, et al., for identification as Mississippi Choctaws3

5355

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 21, 1902.

In the matter of the application of Howell L. Goins for the identification of himself and one minor child, Emily L. Goins, as Mississippi Choctaws.

Appearances:

A. W. Trotter, Attorney for Applicant.

Howell L. Goins, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Howell L. Goins.
- Q How old are you? A Thirty six years old.
- Q How much Choctaw blood have you? A I have got a quarter.
- Q What's your post office address? A Tuscaloosa, Alabama.
- Q How long have you lived in Tuscaloosa? A All my life.
- Q Is your father living? A No, sir.
- Q What was his name? A Walker Goins.
- Q Is your mother living? A Yes, sir.
- Q What was her name? A Lucy Goins.
- Q Through which one of your parents do you derive your Choctaw blood? A My father.
- Q How long has he been dead? A Four years and some months.
- Q About how old was he when he died? A He was about - well, sir, now, I couldn't say positively; I would say he was about seventy five.
- Q Where was he born? A He was born, I think, in Tuscaloosa.
- Q He lived in that County all his life? A I can't say positively that he was born there; I think he was born there.
- Q Did he live there all his life? A Well, he lived there, I am sure, for forty years.
- Q Do you know of any place else he ever lived? A No, sir.
- Q Was he a slave? A Yes, sir.
- Q Were he and your mother lawfully married? A No, sir, I can't say except that the laws of marriage before the war making the negroes, as I understand it - if they lived together they were recognized as man and wife by their owners.
- Q They were married in that way? A Yes, sir.
- Q Did they live together until he died? A Yes, sir.
- Q Continuously until the time of his death? A Yes, sir.
- Q Well, you claim your father was a half blood Choctaw? A Yes, sir.
- Q Could he speak the Choctaw language, or understand it? A No, sir, not that I know of.
- Q You can't? A No, sir.
- Q Through which one of his parents did your father get his Choctaw blood? A His mother.
- Q What was her name? A Patsy Morrison.
- Q Did you ever see her? A No, sir.

Howell L. Goins, et al., 2.

- Q How long has she been dead? A She died before I was born.
Q Do you know how long? A No, sir, I couldn't say.
Q Where did she live during her life time? A She lived during her life time in Tuscaloosa; she was originally from the line of Alabama and Mississippi, or Mississippi.
Q What point? A I couldn't say sir.
Q Where did you get that idea? A I got it from some of the older people who knew her.
Q She lived in Mississippi and Alabama all her life? A Yes, sir. That's as I have been told.
Q Did she have a Choctaw name? A She was called in Tuscaloosa, is all I know, as Indian Patsy.
Q You never heard of her having any other name? A No, sir.
Q Do you know the names of her parents? A No, sir, I do not.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q Are you living with her at this time? A Yes, sir.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her, then? A No, sir.
Q Have you been married more than once? A No, sir.
Q Have you any children living? A One child.
Q What's the name of that child? A Emily L.
Q How old? A Four months old.
Q What's your wife's name? A Belina.
Q This application, then, is for yourself and one minor child?
A Yes, sir.
Q Were you married to Belina under a license? A Yes, sir.
Q When? A I married in 1898, I think.
Q Where were you married to her? A At Livingston, Alabama.
Q Who married you? A Preacher by the name of Green.
Q Have you your license and certificate with you at this time?
A No, sir, the license was returned to the Court.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Belina, for use in connection with the application which you make in behalf of your minor child. This evidence should be furnished within thirty days from this date, if possible.

- Q Has any application of any description ever been made for you or this child before today for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and one minor child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws

Howell L. Hoins, et al., 3.

lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi river, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here and not move out to the new nation west of the Mississippi River, might receive land here in Mississippi, from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand it clearly? A I think I understand from that now, that you mean, to my knowledge, has any land been awarded to my grand mother, or her children, under that treaty; has she been given land a long time ago.

Q Well, did any of your ancestors live here seventy one years ago when this treaty was made? A I don't know that.

Q Did any of them own an improvement here at that time? A I couldn't say that sir.

Q Did any of them remove to the present Choctaw nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not as I know of.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I never heard of it; I don't know it, if they did.

Q Now, did you ever hear of any of your ancestors - your Choctaw ancestors, ever having gotten any land in Mississippi, or anywhere else from the Government of the United States? A No, sir.

Howell L. Goins, et al., 4.

Q You think it probable you would have heard of it if they had?

A Yes, sir, I think so.

Q Did you ever hear of any of them ever having gotten any money from the Government? A No, sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain and become a citizen of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of, - heard of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A Not as I know of.

Howell L. Goins, et al., 5.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit, or ever received any benefits thereunder? A I know people seventy years of age.

Q Do you think they would know whether any of your people ever complied with that treaty - the treaty was made here seventy two years ago? A No, sir, they are not supposed to know anything about that treaty.

Q If they know anything about whether any of your people ever complied with this treaty provision here seventy one years ago, you don't know it, then? A No, sir.

Q Who are these old persons to whom you refer? A Lewis Stoker.

Q Where does he live? A At Tuscaloosa.

Q How old is he? A I think he is seventy six or seventy seven, years of age.

Q Is he a white man? A No, sir.

Q What is he? A He is a negro.

Q What other person would likely know about that? A Stephen Heard.

Q White man? A No, sir, negro.

Q How old is he? A Well, sir, I couldn't say.

Q About how old? A I suppose he is eighty years old.

Q Does he live there in Tuscaloosa? A He lives in about a mile of Tuscaloosa, at a place called Castle Hill.

Q Who else are there among those old people living up there? A Solomon Cunningham.

Q Is he about the same age as the others? A Yes, sir, I suppose so.

Q Negro? A Yes, sir.

Q Are any of these people any relation to you? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any written evidence of any kind to offer at this time?

By A.W.Trotter:

We expect to take depositions in this case later.

Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q Did you ever have any brothers? A I have one brother living.

Q What's his name? A His name is John B. Goins.

Q Where does he live? A He lives in Missouri - Louisiana, Missouri.

Q Has he been before this commission? A No, sir.

Howell, L.Goins, et al., 6.

- Q Did you ever have any other brothers? A I had a brother named Robert, but he died quite a child.
- Q Have you any sisters living? A No, sir.
- Q Did you ever have any sisters? A I had one.
- Q Did she die in infancy too? A Yes, sir.
- Q Has your father any brothers living? A One.
- Q Named what? A Robert Goins.
- Q Has he been before the Commission? A No, sir.
- Q Where does he live? A In Northport, Tuscaloosa County, Alabama.
- Q Did your father ever have any other brothers? A He had no other brothers that I know of.
- Q Did he ever have any sisters? A He had a half brother his father was the father of, but not the mother; he had one sister named Jane.
- Q Did she leave any children? A She left one child, yes, sir.
- Q Is she living now? A Yes, sir.
- Q What's that child's name? A Named Patsy; I don't remember the other part of her name.
- Q Where does she live? A In Tuscaloosa County.
- Q How long has her mother been dead? A Her mother died before my father; I don't know; I never saw her to know her; I don't know how long she has been dead.
- Q Did your father ever have any other sisters? A Not that I ever heard him mention.
- Q Well, did your father's mother, Patsy, ever have any brothers or sisters? A I heard my father mention it; not that I know of.

By A.V.Trotter:

- Q You say you get your Choctaw blood through your father? A Yes, sir.
- Q Who did he get his blood through? A His mother.
- Q Was his mother a full blood Choctaw? A That's what I am told.
- Q Was your father a slave? A My father, as I understand it, was a slave.
- Q How did that happen that he was a slave and his mother a full blood Choctaw? A They made a slave out of him is what I understand.
- Q You know the Choctaw Indians were not slaves? A I know they were not slaves. As I understand, my grand mother was not a slave.
- Q But your father was made a slave? A My father was a slave, and my grand father was a slave.
- Q You couldn't state? A My grand father was not a Indian.
- Q But your grand mother, you say was an Indian, a full blood?
- A Yes, sir.
- Q And your father was her son - a slave? A Yes, sir.
- Q How do you account for that? A I don't know, sir.

(This applicant has the appearance of being almost a full blood negro; his hair and mustache would indicate that he might be possessed of a small portion of white or Indian blood. He does not speak or understand the Choctaw language.)

Howell L. Goins, et al., ?.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 21st day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May 1902.

Charles H. Sawyer

Notary Public.

C.W.
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Howell L. Geins, et al., for identification as Mississippi Choctaws, M. C. R. 5385.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Howell L. Geins for himself and his minor child, Emily L. Geins, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Patsy Harrison (or Indian Patsy), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Patsy Morrison (or Indian Patsy), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howell L. Geins and Emily L. Geins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tame Bixby.
Acting Chairman.

SIGNED: T. B. Needles.
Commissioner.

SIGNED: S. R. Drockenwieser.
Commissioner.

Muskogee, Indian Territory,

DEC 4 1902

COPY.

Muskogee, Indian Territory, December 4, 1902.

Howell L. Goins,
Tuscaloosa, Alabama.

Dear Sir:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Howell L. Goins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howell L. Goins and Emily L. Goins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

H. L. O. #2.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED

Tame Bixby.
Acting Chairman.

GOV.

Muskogee, Indian Territory, December 4, 1902.

A. W. Trotter,

Attorney-at-Law,

Shubuta, Mississippi.

Dear Sir:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Howell L. Goins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howell L. Goins and Emily L. Goins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

A. W. T. #2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Samuel Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Howell L. Goins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Howell L. Goins and Emily L. Goins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *James Dixby.*

Acting Chairman.

Muskogee, Indian Territory, December 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Howell L. Goins, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Rno. M.C.R. 5355.

Land.
76165-1902.

CO P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, February 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Howell L. Goins, for himself and child Emily L. Goins, wherein a decision adverse to the applicants was rendered by the Commission on December 4, 1902.

It appears from the evidence in this case that the applicants make their claim to identification on their descent from one Patsy Morrison, who, it is alleged, was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that the name of Patsy Morrison is not found in the list in its records of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the name of Patsy Morrison is not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and the office recommends that the decision of the Commission, rejecting these parties be approved.

Very respectfully,
A. C. Tonner,
Acting Commissioner.

E.B.H. H'r.

D. C. 7009

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

ITD. 1664-1903.

March 11, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 20, 1902, the Commission transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Howell L. Goins and his minor child, Emily L. Goins, including your decision of December 4, 1902, denying the application.

The applicants trace their Choctaw descent from one Patsy Morrison (or Indian Patsy), who is alleged to have been a full blood Choctaw Indian.

The records fail to show that applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Patsy Morrison, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting February 13, 1903, recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the record, and, finding no reason to disturb your decision, hereby affirms the same.

Respectfully,

F. L. Campbell,
Acting Secretary

1 inclosure.

M. C. R. 5355

COPY.

Muskogee, Indian Territory, March 31, 1903.

A. W. Trotter,
Attorney-at-Law,
Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Howell L. Goins, et al., of which decision, you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M. C. R. 5355

COPY

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Howell L. Goins, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

Lane Bixby.

Chairman.

M. C. R. 5355

COPY.

Muskogee, Indian Territory, March 21, 1903.

Howell L. Goins,
Tuscaloosa, Alabama.

Dear Sir:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Howell L. Goins, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

John R. Rife
Chairman.

#2087

No.

5355

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

APR 21 1902

Name

Louise L. Loin

Age

36

Blood

1/4

Post Office,

Winchester, Ala.

Father:

Walker Loin

Mother:

Louise Loin

Claims through father

wife

Bellina Loin

No claim for wife.

For

Children:

Emile L. Loin

4mo

father's mother, Patsy L. Loin

Stenographer

R. S. Shurt

Choctaw MCR 5356

Edmo Bang

See MCR 5358, 5359, 5480, 4728
4726, 5482, 4727

MCR 5356

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Edmo Bang, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Edmo Bang, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Hosea E. Holley-----	10
Testimony of Dr. R. N. Murphy-----	12
Original application of Margaret Ann Mason, to the Dawes Commission for identification as a Mississippi Choctaw-----	13
Original application of Celestine Davis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	17
Testimony of Hosea E. Holley-----	20
Original application of Mary Jane Waltman, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	22

Original application of Benjamin Bang, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	26
Original application of Frank Bang, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	32
Certified copy of the marriage record of Franklin Bang and Cornelia Gurlice-----	37
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Original application of Edward Bang, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	42
Order for continuance of 30 days-----	49
Decision of the Commission refusing the ap- plications in the consolidated case of Edmo Bang, et al., for identification as Mississippi Choctaws-----	50

5356

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 22, 1902.

In the matter of the application of Edmo Bang for the identification of himself, his wife, Celestine, and two minor grand children, Louis and Celestine Moore, as Mississippi Choctaws.

Appearances:

J. R. Holcomb, Attorney for Applicant.

Edmo Bang, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Edmo Bang.
- Q How old are you? A Seventy three years; I am not quite seventy three, but soon will be.
- Q How much Choctaw blood have you? A Well, I claim three quarters.
- Q What's your post office address? A Van Cleave, Mississippi.
- Q What county? A Jackson County.
- Q How long have you lived in Jackson County, Mississippi? A Been born and raised there.
- Q Lived there all your life? A Yes, sir.
- Q Is your father living? A No, sir, dead long time.
- Q What was his name? A Ezien Bang.
- Q Is your mother living? A No, sir, she's dead.
- Q What was her name? A Well, it was Rose Ladnier before she married, but she married my daddy.
- Q Where was your father born? A Hereinthe same place I have been r raised.
- Q In Jackson County? A Yes, sir.
- Q Lived there all his life? A Yes, sir.
- Q Do you speak the Choctaw language? A No, sir, I cant.
- Q Could your father? A Yes, sir, he could speak a little, but he died when I was small; he could talk, it though.
- Q How much Choctaw blood did your father have? A I reckon he was about half.
- Q What was the other half? A Well, French.
- Q Now, do you know the names of his parents? A No, sir, that's too far back for me.
- Q Never saw them? A No, sir.
- Q Do you know which one was a Choctaw? A It must be on his mother's side/ It was on his mother's side.
- Q Did your mother live here in Jackson county, Mississippi, all her life? A Yes, sir.
- Q How much Choctaw bleed did she have? A Well, she had a right smart.
- Q How much do you think? A Three quarters.
- Q What was the other quarter? A French.
- Q Could your mother speak the Choctaw language? A No, sir, she couldn't. They were raised French people, the first generation; they couldn't talk English; there was some of my people couldn't talk

it no more than nothing.

Q Do you remember the names of your mother's father and mother?

A No, sir.

Q Did your father's parents and your mother's parents live in Jackson County, Mississippi, all their life? A All born and raised and died there, every one of them, sir, but my mother's daddy - maybe I could call his name, but I don't know whether I could or not; I was so little when he died, but I can't recollect.

Q Was your mother's father a Choctaw? A Yes, sir, all the old people claimed Choctaw.

Q Did your mother's mother have any Choctaw blood? A I can't tell you that; I never seen them people away back, and can't tell, no further back than my daddy and mother; that's all I can tell.

Q Are you married? A Yes, sir.

Q Your wife living? A Yes, sir.

Q What's her name? A Celestine.

Q Are you living together now? A Yes, sir.

Q How long have you been living together? A Well, I was twenty one or twenty two when I married.

Q Lived together ever since? A Yes, sir.

Q Never was married but once? A No, sir.

Q Were you married to Celestine under a license? A Yes, sir.

Q Where did you get your license? A At Scranton, Mississippi.

Q Who married you, do you remember? A Yes, sir, old man Rice.

Q What was his official position? A I can't tell you, sir.

Q Preacher or justice of the peace, or what? A Justice of the peace at that time.

Q Has your wife any Choctaw blood? A She may have a little on her daddy's side.

Q Do you know how much? A Yes, sir.

Q Do you want to make application for her? A I reckon I had better.

Q How much has she? A She --

Q How old is she? A She sixty eight or nine years old.

Q Has your wife lived there in Jackson County, Mississippi, all her life? A Yes, sir.

Q Does she speak the Choctaw language? A No, sir.

Q Is her father living? A No, sir, mother and father both dead.

Q What was her father's name? A His name was Pierre Ladnier.

Q What was her mother's name? A Well, sir, I can't tell her name; I swear I have forgot it; I do know it.

Q Her mother had no Choctaw blood? A No, sir.

Q But her father, you think, had some? A Yes, sir.

Q Do you know how much Choctaw blood, Pierre Ladnier had? A Well, about half.

Q Did you know his father? A No, sir.

Q Do you know what his name was? A Yes, sir, I know his name, I believe, his name was - my mother's father - they were brothers and sisters.

Q What was his name? A Well, sir, I don't know whether I can tell you his name; I was so small.

Q Do you know whether he had Choctaw blood or not? A Yes, sir, He did.

Q How much did he have? A I don't know how much.

Q He wasn't a full blood was he? A No, sir, he wasn't a full blood.

Q Do you know Pierre Ladnier's mother? A No, sir.

Q Did she have any Choctaw blood? A I don't know, sir; I never seen it.

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Q So far as you know, have all of your wife's Choctaw ancestors always lived in Jackson County, Mississippi? A Yes, sir, that's all I know.

Q Have you any children living? A Yes, sir, I got eight.

Q Are any of them underage or un married? A All married but one.

Q They are all of age? A I have two minor orphan grand children living with me for whom I want to make application.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself and your wife Celestine. This evidence should be furnished within thirty days from this date.

Q What are the names and ages of those grand children for whom you want to make application? A Louis Moore.

Q Aboy? A Yes, sir.

Q About how old? A About sixteen.

Q The next? A Celestine, a girl, eleven.

Q That's all, is it? A Yes, sir.

Q Are these children living with you at this time? A Yes, sir.

Q How long have these children lived with you? A I don't know, sir, how long, and I don't know how long their mother has been dead, but the baby one wasn't but six months old, and she is now eleven years old.

Q Did their father die before their mother did? A Yes, sir.

Q You have had the children ever since the death of their mother? A Yes, sir; the day they were put away, I took the children.

Q What was the name of the father of these children? A Moore.

Q What was his other name? A English Moore.

Q Did he have any Choctaw blood? A No, sir, an American man.

Q What was the name of the mother of these children? A Victoria Moore.

Q She was your own daughter? A Yes, sir.

Q Daughter of yourself and Celestine? A Yes, sir.

Q This application is for yourself, your wife, and two minor orphan grand children? A Yes, sir.

Q Has any application of any description ever been made before today for you, or your wife, or either one of these grand children, for the purpose of establishing your rights as Choctaw Indians?

A No, sir, never has.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself, and wife, and two minor orphan grand children, under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article? A No, sir.

Q You understand what a treaty means, don't you? A No, sir.

Q

Well, a treaty is a contract or agreement entered into between nations, or between a Government like the United States and an Indian tribe; they call those treaties. A treaty is usually divided into paragraphs, or parts, each one treating of a different subject, and those paragraphs are called articles; they are generally numbered. And, now, what you claim under is article number 14 of this treaty, which is one sub-division or paragraph of the treaty.

That treaty of Dancing rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of these Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article of was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now, these requirements contained in this 14th article were requirements made of Choctaws who lived here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made. If a Choctaw who lived here at that time decided that he didn't want to go out to the new nation, but wanted to stay here and take land under that 14th article and become a citizen of the States, he was required by its terms to let an agent that the Government had down here for that purpose, know that he wanted to stay here and become a citizen of the States and take land, and after he had done that, he was entitled to a reservation of one section of land for himself, and for each child in his family over ten years of age on the 27th day of September, 1830, the day the treaty was made, he was entitled to a half section, and for each child in his family under ten years of age on the day the treaty was made, he was entitled to a quarter section; of course, these lands were required to be bounded by sectional lines

of survey, and the reservations for the children were required by the 14th article to adjoin the location of the parent, and in each instance the reservations made for these Indians were required to include the improvement of the Choctaw as it existed on the day the treaty was made, September 27, 1830. If the Choctaw lived on this land here in Mississippi reserved for him by the Government for five years from February 24, 1831, the day this treaty was ratified, or finally agreed to and accepted, he was entitled to a grant in fee simple for the land; that is, the Government would give him a deed for the tract of land reserved for him, and the land would be come his to dispose of at his pleasure. That 14th article further provided that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out to the new nation, they were not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws under treaty provisions.

Q Now, did any of your ancestors, or any of your wife's ancestors, ever do as that 14th article required that a Choctaw should do here seventy one years ago when this treaty was made, in case he desired to stay here and become citizen of the States and take land, and not move out west? A No, sir.

Q Do you know whether they did or not? A They never done it, no, sir.

Q What makes you think they didn't do it? A They never went away from here; I don't know; I can't go any further back than I know, and I forgets a heep.

Q Do you know whether any of them owned an improvement here in the old Choctaw Nation, in Mississippi and Alabama, when this treaty was made? A No, sir, they didn't have none.

Q Are you sure of that? A Yes, sir.

Q They lived in Jackson County, did they? A Yes, sir.

Q Did they live on rented land? A Well, you know it was all public land, and the people could move anywhere they wanted to in their time.

Q Did they own any improvements when you were born; have any buildings, houses, etc? A Yes, sir, my father was, but it was public land.

Q What improvements did he have at that time? A Farm was all.

Q What improvements did he have? A Log house in the field when I can first remember.

Q Did he have the same place when you were born there? A I wasn't born exactly there where he died at, but just about four miles below where I was born at, but he moved there and stayed there until he died.

Q How old were you when he moved up there? A Well, I reckon I was four years old.

Q Did he have any improvements down there where you were born?

A Yes, sir, he had a house, and stayed there, but the land didn't belong to him; just built on the land anywhere.

Q But the house was his, was it? A Yes, sir.

Q Did he have any land incultivation? A Yes, sir, field.

Q Do you know how much? A No, sir, but he had right smart; he had

right smart cotton. He would raise corn and potatoes.

Q Do you know whether any of your ancestors, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government know that they wanted to stay here and become citizens of the States and take land? A No, sir, I don't know it.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, we owned land; we bought land, you know.

Q Well, what I want to know is, whether your people away back sixty or seventy years ago, got land from the Government of the United States - Government gave them land under this treaty provision?

A No, sir, I don't believe they ever got that, not at all.

Q You never heard of any of your ancestors, or your wife's ancestors ever having gotten any land from the Government, then? A No, sir, never heard it.

Q Did you ever hear of any of them ever having received any benefits whatever as Choctaw Indians? A No, sir, we aint received none.

Q None at all? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors, appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, I don't believe they did.

Q Did you ever hear of these commissioners when they were down here in 1837 - 8 and 1843, 4 and 5? A No, sir, not until lately.

Q You never heard of these commissioners away back here sixty years ago? A Can't recollect that far back.

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An Act of Congress approved on the 23rd day of August 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Never did? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors, or any of your wife's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, don't know, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Do not? A No, sir.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here today to testify in your behalf?

A Mr. H. W. Holly and Dr. R. C. Murphy.

Q What do you expect to prove by these witnesses? A

By J.R.Holcomb:

I want to establish by these witnesses that these claimants are regarded in the neighborhood as being possessed of Indian blood for a certain period of time.

By Commission:

Anything else?

By J.R.Holcomb:

No, sir, but I can introduce testimony as far back as fifty six along that line.

By Commission:

Do the witnesses know whether any of the ancestors of this applicant, or his wife, ever complied, or attempted to comply, with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?

By J.R.Holcomb:

They do not know. I wish to show by these witnesses the extent to which they were isolated, and how far they were remote from an opportunity of complying with that treaty provision.

By Commission:

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may

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appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commissioner, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q Did your daughter, Victoria, ever leave any other children besides these two living with you? A Yes, sir.

Q How many? A Two.

Q What are their names? A Boy named William.

Q What's the name of the girl? A Margaret Ann Mason.

Q Have you any other children dead, who left children? A Yes, sir.

Q What was the name of the other daughter who died? A Rose Bang. She never was married.

Q What's her daughter's name who is living? A Celestine.

Q What's her other name? A Davis.

Q Did Rose leave any other children? A No, sir, that the only one. I raised them over three weeks old; the mother died and I raised her.

Q How many children have you living? A Five boys and two girls.

Q Give us the names of those boys and girls, all of them? A Another Celestine, again.

Q Is she married? A She aint married; she's never quit me; she's with me yet.

Q What's the next one? A Mary Jane.

Q Is she married? A Yes, sir.

Q What's her husband's name? A Waltman.

Q Have either of these daughters been before the Commission? A No, sir, nary one of them.

Q That's all the daughters you have living? A Yes, sir.

Q What's the name of your son? A Edmo J. after me, and one named Louis, and one named Cedar.

Q Next one? A Sylvan.

Q Next one? A Johnnie B.

Q How many of these boys that you have named have been before the Commission? A Nary one.

Q All of your children live there around you in Jackson County?

A Yes, sir, all around there; two lives here in Perkinson.

Q How many brothers have you living? A Four; one's been here.

Q Give us the names of your brothers? A Ben is next oldest, Pierre, Edward and Lewis.

Q How many of them have been before the Commission? A One of them has been before the Commission - Ben.

Q Is he the only one who has been before us? A Yes, sir.

Q Have you any sisters living? A Yes, sir.

Q How many? A One.

Q What's her name? A Madaline.

Q What's her other name? A Ely.

Q The wife of Anton Ely? A Yes, sir, he has been here.

Q Has your wife any brothers living? A Got one.

Q What's his name? A Louis Ladnier.

Q Has he been before the Commission? A No, sir.

Q Has your wife any brothers dead who left children? A She aint got nary brother dead.

Q Did your wife ever have any sisters? A Yes, sir, two.

Q Are they both living? A Yes, sir.

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Q What are their names? A One named Mary, and one named Rosa Lee, she is the wife of my brother, Ben.

Q That's Mary's husband's name? A I couldn't tell you his name.

Q Where does she live? A She lives in Soranton, Mississippi; well, she married and moved from there; his name is Frank Henry, I believe.

By J. R. Holcomb:

Uncle, now, in regard to you understanding that treaty? A I can't understand it.

Q The treaty means this; that the Government made a trade when the trouble in this part was, to settle the business, and they were to give you something, and in order for you to receive that, you were expected to signify your consent; signify - that is, tell them - notify them, in some way, that you accepted, that you agreed to the arrangements they made. The arrangement was to provide this land for you all, and now, at that time, or as far back as you can remember, did you know that the Government had offered to you anything?

A No, sir, never offered me none but what I paid for.

Q You were not aware of the fact that the Government ever made any offer, then, provided - you understand that - that you go ahead and signify your intention to remain, or go to the new Territory? A No, sir, I don't think I recollect any of it at all.

Q Well, do you think - are you sure that if this agent of the Government had gone anywhere in that country, a man that the Government sent to meet you all and register you, do you think, if he had gone in that country down there, where it would have been possible for you to have found him at that time, that you would have heard of it?

A How long ago?

Q That was in '30? A

By Commission:

Thirty one.

By J. R. Holcomb:

Do you think if such a man had been in there to look after the interest of that trade and close the trade with you people, do you think your grand father, or father, would have took advantage? You would have known it in that community where you live? A I can't recollect that far. If there was any done like you say, I don't recollect about it. It may have been done before I recollect.

Q Do you think your people would have quit talking about it, and you would never have heard of it? A I think I would have heard of it

Q You think you would surely heard of it if such had been done - if it had been possible for you to have met the men? A That's away yonder, I tell you. Yes, sir. I couldn't tell that.

Q You said your father had improvements; he first improved one place where you were born, and then lived on another place; you said there was a good large field. What do you term a large field? Was eight or ten acres in that time a large field? A No, sir, we didn't have that much.

Q A small patch was considered in those times a large field? A Yes, sir.

Q They didn't have as much as eight or ten acres fenced in? A No, sir, I was about four years old, I reckon, when my pa moved where I am telling you right now; I don't recollect when he moved there, at all; I was too young then. Maybe, I could recollect four years old; I was about four. I know he said I was born and raised there.

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(The applicant has perfectly straight hair, very dark skin, and has rather prominent cheek bones; his features would indicate that he might be possessed of some Indian blood. He does not speak or understand the Choctaw language.)

(Applicant excused.)

Hosea E. Holley, having been first duly sworn, as a witness in behalf of the above named applicant, upon his oath, testified as follows:

Examination by the Commission.

- Q What is your name? A Hosea E. Holley.
Q How old are you, Mr. Holley? A Sixty three.
Q What's your post office address? A Purvis, Marion County, Mississippi.
Q How long have you lived in Marion County? A Eleven years.
Q Where did you live before that? A Jackson County, Mississippi.
Q How long did you live there? A Been there ever since 1856.
Q Where did you live before that? A In Alabama.
Q Born up there? A Yes, sir.
Q What's your occupation? A Farming.
Q Are you acquainted with the applicant, Edmo Bang? A Yes, sir.
Q How long have you known him? A Ever since '56.
Q Where has he lived ever since you knew him? A Right in Jackson County.
Q Are you acquainted with his father wife, Celestine? A Yes, sir.
Q Known her the same length of time? A Yes, sir.
Q Are you related, in any way to them? A No, sir, none in the world.
Q Are you interested in any way in the result of their applications
A Nope in the world.
Q Were you acquainted with the parents of Edmo Bang? A No, sir.
Q Were you acquainted with the parents of his wife, Celestine?
A No, sir.

By J.R. Holcomb:

Now, is Edmo Bang, and his wife, Celestine, regarded as possessing Choctaw blood in that community? A Yes, sir.

Q Ate the time you first became acquainted with them? A Yes, sir.

Q And according to the current of sentiment in that community as it has existed ever since your acquaintance there, the fact of their Indian blood has never been questioned? A No, sir.

By Commission:

How much Choctaw blood has Edmo? A I do not know; they were regarded when I went there as springing from Choctaw Indians; that's what the old persons told me.

Q You have no idea how much he had? A No, sir.

Q Don't know anything about how much his parents had? A No, sir.

Q Do you know how much his wife has? A No, sir.

Q Do you know how much either of her parents had? A No, sir, I do not. I don't know only what I have heard, you know.

Q Well, what have you heard about it? A Well, the old Americans there when I went there, said some of the first were full blood

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Indians, and some half.

Q Well, they didn't refer particularly to the relations of these people? A No, sir, they all lived together there nearly like a tribe of Indians, you know.

By J.R.Holcomb:

At that time, when all these Americans classed different ones up as being as much as one half Indian blood, were these individual claimants, Mr. Edmo and his wife, considered at that time as having as much blood as any others in that community? A I think so.

By Commission:

You don't know whether any of the ancestors of any of these people ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder, do you? A No, sir.

By J.R.Holcomb:

During your residence in that community, Mr.Holley, from 1856 up until about ten years ago, when you moved to Marion County, did you ever hear of any opportunity being afforded those Indian descendants to appear before an agent of the Government and register, or signifying their willingness to accept the provisions of the treaty of 1831? A No, sir.

Q Do you know whether or not ever such an agent of the Government - if such an agent of the Government had have ever been stationed in reach of those people, that you would have mostly likely heard of it? A It looks like I would have heard something about it.

Q You were a confederate soldier and took a leading part, and were associated with the leading people of that section of the country during those times, and soon after? A Yes, sir.

Q How far was that section of the country remote from railroad or steamboat connections? A

Q By Commission:
At what time?

By J.R.Holcomb:

Along at the time you first became acquainted with that country?

A The Mobile and Ohio was the nearest railroad was running there then; Ocean Spring was the nearest steamboat.

Q Do you know whether these people were isolated and shut off from the outside intelligence? A I think they was, in a measure.

Q Where did they do their trading - where did they buy their goods at that time? A From Mobile generally.

Q How far is Mobile from Van Cleave? A Fifty miles.

Q How far is it from the place of residence of these people?

A Van Cleave?

Q Mobile? A About fifty miles, I suppose, from where they reside to Mobile.

(Witness is a white man of average intelligence.)

(Witness excused.)

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Dr. R. N. Murphy, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath, testified as follows:

Examination by the Commission.

- Q What is your name? A R. N. Murphy.
Q How old are you? A Fifty eight the 28th of this month.
Q What is your post office address? A Van Cleave, Mississippi.
Q What county? A Jackson.
Q How long have you lived in Jackson County? A Nine years.
Q Where did you live before that? A Biloxi.
Q How long did you live there? A Two years.
Q Where did you live before that? A Mobile.
Q How long did you live there? A Three years.
Q Where before that? A Well, I lived in Butler County, Alabama.
Q How long? A About twelve or fifteen years, I don't recollect, exactly, nearly thirteen years.
Q Where did you live before that? A I was born and raised in one hundred and fifty miles north of Mobile, Claiborne County, Alabama; I was born in five miles of there, in Clark County, the river is a line there, but I was born in Monroe County.
Q What is your occupation? A Physician.
Q Are you acquainted with the applicant, Edmo Bang? A Yes, sir.
Q How long have you known him? A Nine years.
Q Are you acquainted with his wife, Celestine? A Yes, sir.
Q How long have you known her? A About the same time.
Q You are no relation to them? A No, sir.
Q Are you interested in any way in the result of their applications? A No, sir, only that they get it if they can.
Q You are not financially interested? A No, sir.

By J.R. Holcomb:

You were raised within a range of seventy five or a hundred miles of this particular locality? A I don't know about that; I was raised at Clairborne, one hundred and fifty miles above Mobile, on an air line; of course, its nearer than that, one hundred or one hundred and twenty five miles, I suppose, from Van Cleave.

Q To where you were raised? A Yes, sir.

Q And after you grew up, you have resided from time to time nearer these people? A Yes, sir.

Q Do you know, whether or not, the Government ever afforded these claimants a reasonable opportunity to accept and comply with the provisions of the treaty? A No, sir, I know nothing of that. If I did, I paid no attention to it.

Q You think, according to your associations and being identified with the older settlers at Van Cleave, and that immediate surrounding country, that if there had been an agent of the Government stationed in reach of these people, you would have heard of it? A Yes, sir, I think so.

By Mr. Holcomb:

Can I make a statement?

By Commission:

Yes, sir.

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By Mr. Holcomb:

I saw where there was parties in Meridian from the Indian Territory - I saw that in the newspaper - getting up these claims, and I notified these people of that fact. I became interested on account of their being in the community; they were ignorant of these sort of things, and they told me they had never heard anything like that at that time, or before, or never had heard of anything like that, and they were not at all prejudiced about it; they didn't want to fool with it, thought they were going to be taken up and carried off, and after I told them the United States Government wasn't going to do anything like that; that they did things right, and they would treat them like they did any other citizen of the United States, and the United States Government was only trying to give them, if they were justly entitled to these lands - that the Government wanted to give it to them.

By Commission:

Anything else along that line you want to ask, Mr. Holcomb?

By J.R. Holcomb:

During your residence in that community, Doctor, have these claimants, Edmo and Celestine Bang, been regarded as being possessed of Indian blood? A Yes, sir, I have always been told that by the older settlers, that they were just what they said they were, part Indian.

Q Have you ever heard that sentiment, or that report, disputed, contradicted or dimied? A No, sir.

By Commission:

You don't know, Doctor, whether any of the ancestors of Celestine or Edmo ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Nothing about that? A No, sir, well, I heard of hearsay that there has been nothing of that sort by the older settlers, but of my own personal knowledge I do not.

Q You never heard of any of them ever having received any benefits whatever as Choctaw Indians? A No, sir, nothing at all.

(Witness is a white man of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi on the 22nd day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of May, 1902.

R. S. Streit
Charles H. Sawyer
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cole.

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In the matter of the application of Edmo Bang, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Edmo Bang, et al.,	V.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Edmo Bang for himself, his wife, Celestine Bang, and his two minor grand-children, Louis Moore and Celestine Moore; by Margaret Ann Mason for herself; by Celestine Davis for herself and her two minor children, Martha C. and Ransom H. Davis; by Mary Jane Waltman for herself and her seven minor children, Sylvester, Willie J., James, Ernest, Mary M., John and Lee Waltman; by Benjamin Bang for himself, his wife, Rosalie Bang, and his minor child, Frank Bang; by Frank Bang for himself, his wife, Cornelia Bang, and his three minor children, Calhoun, Mary and Willie Bang; by Henry Bang for himself, his wife, Nancy E. Bang and his two minor children, Rufus

and Mary Bang; and by Edward Bang for himself and his eight minor children, Viola, Diola, Tennessee, Rosa, Mandy, Arlonie, Ezien and Edward Bang, Jr., under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all the applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Ezien Bang, or Rose Bang (nee Ladnier), residents of Mississippi in eighteen hundred and thirty, or Elizabeth, or Ellis Galy, who are alleged to have been Choctaw Indians, degrees of blood not positively stated, or Pierre Ladnier, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty, or Mandy Thomas, who is alleged to have been an one-half blood Choctaw Indian, or Pug Bang, who is alleged to have been a three-quarter blood Choctaw Indian; some of said applicants claiming descent from two or more of said persons.

In regard to the Choctaw ancestor of Rosalie Bang in M.C.R. 4728, it is impossible to determine conclusively who said Choctaw ancestor was, as the evidence in this application discloses that she is the child of Pierre Ladnier, whose blood is not given, and a Choctaw woman whose name is not stated. It further appearing from the testimony that her said father was a brother of Rose Bang, mother of the principal applicant, and as she is alleged to have been possessed of Choctaw blood, it is presumed that her said brother

is possessed of a like degree, and, therefore, he has been considered as the Choctaw ancestor of the applicant Rosalie Bang.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name of Elizabeth, or Lizy, appears on page 109, Volume I of the Claimant's Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims No. 12742, in "Colonel George W. Martin's register of claims under the fourteenth article of the treaty of 'Dancing Rabbit Creek', of September 30, 1830", filed December 4, 1835, as a claimant under said article and the mother of two children under ten years of age. It does not appear from the evidence submitted by the applicants herein that the Elizabeth from whom they claim is the identical person mentioned in the record above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Esien Bang, or Rose Bang (nee Ladnier), or Pierre Ladnier, or Mandy Thomas, or Pug Bang, or the Elizabeth through whom these applicants claim, or ancestors less remote, or the applicant Edmo Bang, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an inten-

sion to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom W. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman, Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Ezien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jams Bixby.
Acting Chairman.

(SIGNED)

I. B. Needles.
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

APR 17 1903

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Edmo Bang and Hosea E. Holley
in the matter of the application of Edmo Bang for the identification
of himself, his wife and minor children as Mississippi Choctaws,
M.C.R. 5356.

J. Holcomb
att. at Law

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 9, 1902.

-----O-----

In the matter of the consolidated Mississippi Choctaw case of Edmo Bang, et al., consolidating therewith the cases of other applicants claiming descent from the same common ancestor.

-----O-----

Now, on this 9th day of September, 1902, comes J. R. Holcomb, attorney for the applicants in the above entitled cause, and files a motion for a continuance therein of thirty (30) days from this date; and after consideration of said motion, it is the opinion of this Commission that the same should be granted, and it is so ordered; and further that said attorney for the applicants be advised of the action of the Commission, and that the applicants be allowed until Thursday, October 9, 1902, within which to file a brief in support of the claims of the several applicants in the above entitled cause.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

James Birby
Acting Chairman.
B.

M C R 4722
M C R 5266

Muskogee, Indian Territory, September 11, 1902.

J. R. Holcomb,
Attorney at Law,
Purvis, Mississippi.

Dear Sir:

There are enclosed herewith one copy each of the order granting a continuance of thirty days in the Mississippi Choctaw cases of Anton Baly et al. and Edna Bang et al.

Yours truly,

Acting Chairman.

Enc. McK--122

COPY

M.C.R. 5356

Muskogee, Indian Territory, April 16, 1903.

J. R. Holcomb,
Attorney-at-Law,
Purvis, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willis J. Waltman, James Waltman, Ernest

Waltman, Mary M. Waltman, John Waltman, Lee Waltman, Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Esien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

J. G. B. B. B. B.

Chairman.

Registered.

COPY.

M.C.R. 5356

Muskogee, Indian Territory, April 17, 1903.

Edmo Bang,

Vancleave, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

These application were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman,

Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Esien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman, Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Esien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Blay
Chairman.

COPY.

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Edmo Bang, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 17, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Edmo Bang, et al.,	M.C.R. 5356;
Margaret Ann Mason,	M.C.R. 5358;
Celestine Davis, et al.,	M.C.R. 5359;
Mary Jane Waltman, et al.,	M.C.R. 5480;
Benjamin Bang, et al.,	M.C.R. 4728;
Frank Bang, et al.,	M.C.R. 4726;
Henry Bang, et al.,	M.C.R. 5482;
Edward Bang, et al.,	M.C.R. 4727.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

A relationship by intermarriage exists between the applicants

Secretary 2.

in this case and the applicants in the Mississippi Choctaw cases of Anton Baly, et al., Joseph Garlick, et al., and Frederick Robinger, et al., decisions in which were rendered by the Commission on April 17, 1903, and are this day transmitted to the Department.

Respectfully,

Through the
Commissioner of Indian Affairs.

(SIGNED).

2 Enc.: H.C.P. 5356.

Tamr Bixby.
Chairman.

(COPY)

Land .

29664-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON June 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties; Edme Bang for himself, his wife, Celestine Bang, and his two minor grand-children, Louis Moore and Celestine Moore; by Marharet Ann Mason for herself; by Celestine Davis for herself and her two minor children Martha C. and Ranson H/ Davis; by Mary Jane Waltman for herself and her seven minor children, Sylvester, Willie J., James, Ernest, Mary E., John and Lee Waltman; by Benjamin Bang for himself, his wife, Rosalie Bang, and his minor child, Frank Bang; by Frank Bang for himself, his wife, Cornelia Bang, and his three minor children, Calhoun, Mary and Willie Bang; by Henry Bang for himself, his wife, Nancy E. Bang, and his two minor children, Rufus and Mary Bang; and by Edward Bang for himself and his eight minor children, Viola, Diola, Teniese, Rosa, Mandy, Arlonie, Hazen and Edward Bang, Jr. wherein a decision adverse to

the applicants was rendered by the Commission April 17, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Ezien Bang, Rose Bang, nee Ladnier, Elizabeth or Ellis Ealy, Mandy Thomas, Pug Bang, all of whom it is alleged were Choctaw Indian and residents in Mississippi at the time of the making of the treaty of 1830. The applicants do not know of any compliance or attempted compliance, on the part of their ancestors, with the provisions of the 14th article of the treaty of 1830; nor whether they were recognized members of the Choctaw tribe of Indians.

The Commission rejected the parties hereto, for the reason that the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of aforesaid article and treaty and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Ezien Bang, Rose Bang, nee Ladnier, Elizabeth or Ellis Ealy, Mandy Thomas, and Pug Bang, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

- 3 -

These being the facts, it is the opinion of this office that the decision of the Commission refusing to identify these applicants as Mississippi Chestnuts, is correct and I concur in that finding and respectfully recommend its approval.

Very respectfully,

W. A. Jones.

C. T. C.

Commissioner.

Copy.

J. P. DEPARTMENT OF THE INTERIOR.

WCF.

WASHINGTON .

EAF.

D.C.18979.

ITD.5176-1903.

July 7, 1903^a.

Commission to the Five civilized Tribes,

Muskogee, I. T.

Gentlemen:-

May 4, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Edmo Bang, his wife Celestine Bang, and his minor grandchildren, Louis Moore and Celestine Moore; of Margaret Ann Mason; of Celestine Davis and her minor children, Martha C. and Ransom H. Davis; of Mary Jane Waltman and her minor children, Sylvester, Willie J., James, Ernest, Mary M., John and Lee Waltman; of Benjamin Bang, his wife, Rosalie Bang, and his minor child, Frank Bang; of Frank Bang, his wife Cornelia Bang, and his minor children, Calhoun, Mary and Willie Bang; of Henry Bang, his wife, Nancy E. Bang and his minor children, Rufus and Mary Bang; and of Edward Bang and his minor children, Viola, Diola, Teniese, Rosa, Mandy, Arlonie, Ezier and Edward Bang Jr. You refused the applicants April 17, 1903.

The applicants base their claims to identification on their descent from Ezien Bang, or Rose Bang (nee Ladnier), or Elizabeth, or Ellis Naly, or Mandy Thomas, or Pierre Ladnier, or Pug Bang, it being alleged that said ancestors were possessed of Choctaw Indian blood, and that Ezien Bang, Rose Bang and pierre Ladnier were residents of Mississippi in 1830.

The evidence presented by the applicants, as well as the records of the Indian Office, fails to show that any one of the alleged ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting June 19, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed .

It appears from the decision of the Commission that the name of Elizabeth, or Lizy, appears on page 109, Volume 1, of the Claimants Brief and Evidence in the case of Choctaw Nation versus the United States before the Court of Claims, No. 12742, in Col. George W. Martin's register of claims under the 14th article of the treaty of 1830, filed December 4, 1835, as a claimant under said

- 3 -

article and the mother of two children under ten years of age. The evidence fails to show that the Elizabeth through whom the applicants claim descent, is identical with the person by that name mentioned in the record above cited.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

M. C. R. 8386.

COPY.

Muskogee, Indian Territory, July 27, 1903.

J. R. Helcomb,

Attorney at Law,

Furvis, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edna Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M. C. R. 5356.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Mansfield McKurry & Cornish,
Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Edme Bang et al., of which decision you were advised by mail on the 17th day of April, 1903.

Respectfully,

(SIGN)

T. B. Needles.
Commissioner in Charge.

M. C. R. 5386.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Edme Bang,

Vancleave, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edme Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNATURE)

T. B. Needles.

Commissioner in Charge.

Edmo Bang p. 1-2

Benjamin Bang p. 2

Pierre Bang p. 2

Henry Bang

Ezren Bang ^{over 100} ($\frac{1}{2}$ or $\frac{3}{4}$)

Mary Bang p. 4

Rose Ladner ^{mar} (100?) ($\frac{3}{4}$ or $\frac{1}{2}$)

^{mar} Frank Henry

Edward Bang p. 4

Lewis Bang p. 4

Ezren Bang p. 4

Victoria Bang
mar
English Moore
dead

mer
5356

Celestine Moore 11

" Louis Moore 16

mer

Margaret Ann Moore 21-1/2

mar

Thomas J. Mason

William Wesley Moore

Ezra Bang 1/2 or 3/4
dead

mar

(1072)
① Rose Ladnier (3/4 or 1/2)

mer
5355

Edmo Bang 73-3/4

mar

+ Celestine Ladnier 68-9(42)

Rose Bang
Lived with
dead

* Pug Bang 3/4 (452)
dead

* claim chockin, parents
not given

mer
5357

Celestine Bang 19

mar

Arch Davis

mer
5358

Martha C. Davis 2

" Ransom H. 1

(+ Claims for wife thro' her father Pierre Ladnier's
dead

mer
5480

Mary Jane Bang 46-1/2
mar

Jesse Waltman
dead

mer
5481

Sylvester Waltman 18

Willie J. " 16

James " 14

Ernest " 12

Mary M. " 10

John " 8

Lee " 6

Richard Waltman

Jefferson "

Henry "

men
5256

Cont'd
Edmo Bang 13-3/4
mar

+ Celestine Ladnier
(68-9/4)

+ Lams the her father Pierre Ladnier
(choe)

Celestine Bang
Edmo J. Bang
Louis Bang
Cedar Bang
Sylvan Bang
Johnnie B. Bang

+ married his cousin, Lou Bang).

(2)

men
4728

Benjamin Bang 69-1/4
mar

+ Rosalie Ladnier 55-1/4
Rosa de

+ Her father was Pierre Ladnier, head
a brother of Celestine Ladnier, the
father of Benjamin Bang

Cont'd
Ezra Bang

men
4728

Frank Bang 16
Benjamin Bang Jr.
Alfred Bang
Pierre Bang

Pierre Bang 1/2
wife
Martha Bang

4726

Frank Bang 28-1/4
mar
Cornelia Garlic 23-1/4

men
4726

Calhoun Bang 4
Mary " 2
Willie " 1 m

Joseph Bang
Pierre Bang
Willie Bang
Mary Bang

(+ Her father is Joe Garlic
See M. P. R. 5478)

mar
Robinger M. P. R. 4727

Lizzie Bang

mar

— Anderson

Luella Bang

Lillian Bang

Cont'd

Pierre Bang

mar

5482

Henry Bang 22- $\frac{1}{2}$

mar

+ Nancy E. Ealy 18- $\frac{1}{2}$

mar

5482

Rufus Bang 3

"

Mary Bang 1

⊕ Wifes Parents are
Father: Ellis Ealy (Chc)
Mother: Mary Ealy (dead)

See MCR. 4722 +

Brothers & Sisters

of
Edmo Bang
Cont'd.

Mary Bang
Mar
Frank Henry.

Edward Bang

Lewis Bang

Ezien Bang (50 or 55)
(3/4 or 1/2)

(or Martha) Mar
+ Mandy Thomas (60
1/2 or w.)
dead

Mar
4727

Edward Bang 38-1/2
wife

Esperance Bang

Ezien Bang

Sam Bang

Galby "

John "

Henry "

Lis "

Edna Bang

Mar
4727

Viola Bang 14

" Diola " 14

" Teniese " 12

" Rosa " 10

" Mandy " 8

" Arlone " 5

" Ezien " 1

" Edward " 1

+ Her father was John T. was her
mother. & Thomas's

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date APR 22 1902

Name Edmo (Barto)

Age 23 Blood 3/4

Post Office, Vancleave, Miss.

Father: E. J. ... d

Mother: ... d

Claims through ...

Wife Celestine ... 68

Father Pierre ... d

Mother ... d

For ...

Children:

Louis ... (M) 15

Celestine ... 1

Father English House (white) d

Mother Victoria ... d

Stenographer

R. J. Street

Choctaw MCR 5357

Nancy Dobson

See MCR 4722

MCR 5357

5357

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 22, 1902.

In the matter of the application of Nancy Dobson for the identification of herself and her three minor children, Mary Jane, William W., and Sabra A., as Mississippi Choctaws.

Appearances:

J. R. Holcomb, Attorney for Applicant.

Nancy Dobson, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Nancy Dobson.
Q How old are you? A Thirty.
Q How much Choctaw blood have you? A About a quarter.
Q What's your post office address? A Van Cleave, Mississippi.
Q What county? A Jackson County.
Q How long have you lived in Jackson County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A James Carroll.
Q Is your mother living? A Yes, sir.
Q What's her name? A Mary Carroll.
Q Through which one of your parents do you get your Choctaw blood?
A Mother.
Q Your father has none? A No, sir.
Q Has your mother been before this Commission? A Yes, sir.
Q Has your mother always lived in Jackson County? A Yes, sir.
Q Do you know the names of her parents? A Yes, sir.
Q What's her father's name? A Anton Ely and Madaline is her mother.
Q Well, Anton Ely has been before the Commission? A Yes, sir.
Q Is Madaline living? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Grant Dobson.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living and what are their ages?
A Three, Mary Jane.
Q How old? A She will soon be ten. William, eight, Sabra A., six years old.
Q Are they all living with you at this time? A Yes, sir.
Q Are they all three the children of yourself and Grant Dobson?
A Yes, sir.
Q Has any application of any kind ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and three minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Nancy Dobson, et al., 2.

- Q Do you understand that 14th article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
- A No, sir.
- Q Not that you know of? A Not that I know of, no, sir.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.
- Q Did any of them live here at that time, to your knowledge? A Dont know, sir, I reckon they did.
- Q Where? A In Jackson County.
- Q Did any of them ever remove to the present Choctaw Nation, in Indian Territory? A No, sir, not that I know of.
- Q Any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws know they wanted to stay here and become citizens of the States and take land? A No, sir, not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.
- Q Any of them ever get any land at all from the Government? A No, sir.
- Q Or any money? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales, here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know

Nancy Dobson, et al., 3.

anything about.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?
A No, sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir, I don't know.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence to offer at this time? A No, sir.
Q Any witnesses? A No.

By J. R. Holcomb:

What relation is your mother to Edmo Bang, who testified before the Commission this morning? A My mother's mother, the wife of Anton Ely, is a full sister of Edmo Bang.

By J.R.Holcomb:

We desire to have the testimony of Mr.Hosea E. Holley and Dr. R. N. Murphy, given before the Commission, this morning in the Edmo Bang case, considered in connection with the application of this applicant.

By Commission:

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Any further statements you want to make at this time in support of your application? A No, sir.
Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has black hair, darkeyes, dark complexion, but has the features and facial expressions of a white persons. She does not speak or understand the Choctaw language.)

Nancy Dobson, et al., 4.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 22nd day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 10th day of May, 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Nancy Dobson in the matter of her
application for the identification of herself and her minor child-
ren as Mississippi Choctaws, M.C.R. 5357.

J. H. Walcome
Atty at Law

COPY

M.C.R. 8357

Muskogee, Indian Territory, April 17, 1903.

Nancy Dobson,

Vincleaves, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Raly, et al., embracing the following applications for identification as Mississippi Choctaws:

Anton Raly, et al.,	M.C.R. 4722
Mary Carroll, et al.,	M.C.R. 4723
Mary R. Belton, et al.,	M.C.R. 4731
Nancy Dobson, et al.,	M.C.R. 8357
Joseph Raly, et al.,	M.C.R. 4725
William Raly, et al.,	M.C.R. 4730
Eldwena Raly, et al.,	M.C.R. 8481
Eliza Goff, et al.,	M.C.R. 4724

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Raly, Madeline Raly, Mary Carroll, Abisear A. Carroll,

Nancy Dobson, -2

Toney Carrell, George Carrell, Earnest Carrell, Lydia M. Carrell, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Maxaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Devie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Tams Dickey
Chairman.

H.C.R. 5357.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Nancy Dobson,

Vandlenave, Mississippi.

Dear Madam:

You are heroby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Ealy, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

No.

5857

For Identification as a Mississippi Choctaw.

Meridian Miss

Date

APR 22 1905

Name Nancy Harrison

Age 30

Blood 1/4

Post Office, Meridian, Miss.

Father: James Harrison

L

Mother: Mary

L

Claims through Mother.

husband's

James Harrison

L

no claim on husband.

Children:

Mary Jane Harrison

9

William W

8

Alira A

6

Stenographer

C. L. Street

Choctaw MCR 5358

Margaret Ann Mason

See MCR 5356

MCR 5358

5358

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 22, 1902.

In the matter of the application of Margaret Ann Mason
for identification as a Mississippi Choctaw.

Appearances:

J. R. Holcomb, Attorney for Applicant.

Margaret Ann Mason, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Margaret Ann Mason.
Q How old are you? A I don't know exactly how old I am.
Q About how old do you think you are? A I couldn't exactly guess
it; about twenty one or two.
Q How much Choctaw blood have you? A About half.
Q What's your post office address? A Van Cleave, Mississippi.
Q What county? A Jackson.
Q How long have you lived in Jackson County? A Been raised there.
Q All your life, you have lived there? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A English Moore.
Q Did he have any Choctaw blood? A No, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Victoria B. Moore.
Q You get your Choctaw blood solely through your mother? A Yes,
sir.
Q Now is Victoria's father living? A Yes, sir.
Q What's his name? A Edmo Bang.
Q Is he the Edmo Bang who appeared before the Commission here
this morning? A Yes, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Mason.
Q What's his full name? A His name is Thomas J. Mason.
Q He has no Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q Have you any children living? A No, sir.
Q This application is for yourself only? A Yes, sir.
Q Has any application of any description ever been made before today
in your behalf for the purpose of establishing your rights as a
Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands, in Indian Territory, under
the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article, do you not? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with
its provisions, or ever receive any benefits under that article?
A No, sir, not that I know of.
Q Did any of them own an improvement here in the old Choctaw
Nation, in Mississippi and Alabama, in the year 1830, when this

Margaret Ann Mason, 2.

treaty was made? A No, sir, not that I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir, I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, if they did, I don't know it. I don't know anything about it.

In Accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complain among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, these commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Do you know whether any of your Choctaw ancestors appeared before any of these commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

A No, sir.

Q

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Margaret Ann Mason, et al., 3.

Q Do you know whether any of your ancestors ever received any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your people ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here today to testify in your behalf?

A No, sir.

By Mr. Holcomb:

We desire to have the testimony of Mr. Holley and Doctor Murphy, submitted in the case of Edmo Bang, the grand father of this applicant, considered in her case.

By Commission:

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.

Q Have you any brothers and sisters living? A I have a minor brother and sister living with my grand father, Edmo Bang, their names are Louis Moore and Celestine Moore; I have another brother by the name of William Wesley Moore.

Q Where does he live? A He lives with me some times; mighty near all the time, now, he stays with me.

Q Has he been before the Commission? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has straight black hair, high cheek bones, and dark skin and dark eyes. She does not speak or understand the Choctaw language. Has the features and facial expressions of a white person.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 22nd day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Margaret Ann Mason, 4.

Subscribed and sworn to before me at Muskegee, Indian Territory,
this 10th day of May, 1902.

Charles H. Lawrence

Notary Public.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Margaret Ann Mason in the matter of
her application for the identification of herself as a Mississippi
Choctaw, M.C.R. 5358.

R. Polcomb
Atty at Law

COPY.

M.C.R. 5358

Muskogee, Indian Territory, April 17, 1903.

Margaret Ann Mason,

Vancleave, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman,

Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Ezien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Dixby.
Chairman.

Registered.

M. C. R. 5358 .

COPY.

Muskogee, Indian Territory, July 27, 1903.

Margaret Ann Mason,
Vandeleave, Mississippi.

Dear Madam:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edmo Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M C R 5358

Muskogee, Indian Territory, August 31, 1903.

Margaret Ann Mason,
Vancleave, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, wherein you ask why your application for identification as a Mississippi Choctaw was refused.

In reply you are informed that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842. No proof of this character was submitted in support of your claim.

Respectfully,

Commissioner in Charge.

2090

No.

5358

For Identification as a Mississippi Choctaw.

Milledale Miss.

Date

APR 27 1911

Name Margaret Ann Mason

Age 21

Blood 1/2.

Post Office, Milledale, Miss.

Father: Charles Mason d

Mother: Victoria " d

Claims through mother

Husband:

Thomas J. Mason
no claim for him.

Children:

None

Stenographer

R. J. Streit

Choctaw MCR 5359

Celestine Davis

See MCR 5356

MCR 5359

5354

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 22, 1902.

In the matter of the application of Celestine Davis for the identification of herself and her two minor children, Martha C., and Ransom H., as Mississippi Choctaws.

Appearances:

J. R. Holcomb, Attorney for Applicant.

Celestine Davis, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Celestine Davis.
- Q How old are you? A Nineteen the 11th of last November.
- Q How much Choctaw blood have you? A Well, sir, I don't know about my mother - my grand father - my mother was his daughter, and my father, they calimed that he was three quarters Indian.
- Q Your father? A Yes, sir.
- Q What's your post office address? A Van Cleave, Mississippi.
- Q What county? A Jackson.
- Q How long have you lived at Van Cleave? A All my life.
- Q Is your father living? A No, sir, dead.
- Q What was his name? A Pug Bang.
- Q Is your mother living? A Nok sir, she's dead.
- Q What was her name? A Rose Bang.
- Q Now, your mother, Rose, was the daughter of Edmo Bang, who appeared before the Commission here today? A Yes, sir.
- Q Was your father any blood relation to your mother? A Yes, sir, I guess he was.
- Q Is his father living? A No, sir, never seen his father at all.
- Q Do you know who his mother was? A No, sir, I don't know.
- Q But he had the same name as your mother? A Yes, sir.
- Q Were they married, your father and mother? A No, sir, I don't think they was.
- Q Do you know how much Choctaw blood your father's father had?
- A No, sir.
- Q Or your father's mother? A No, sir.
- Q You have no idea? A No, sir.
- Q Did you ever hear that he had three quarters Choctaw blood?
- A Yes, sir, I have heard that by old people that knowed him.
- Q Do you know the name of any one of your father's ancestors?
- A No, sir, I don't.
- Q Have all of his people always lived here in Jackson County?
- A Yes, sir, I know of one of my uncles, McGregory Bang, a brother of my father.
- Q Did you ever have any full brothers or sisters? A No, sir.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q What's his name? A Arch Davis.
- Q Has he any Choctaw blood? A No, sir.
- Q How many children have you living? A Two.

Celestine Davis, et al., 2.

Q What are their names and ages? A A girl, she will be three years old the 17th of this August.

Q What's her name? A Martha S. Davis.

Q What's the name of the next one? A Ransom H. Davis.

Q How old is he? A He was a year old the 9th of March.

Q These two children are living with you now? A Yes, sir.

Q They are the children of yourself and Arch Davis? A Yes, sir.

Q This application is for yourself and two minor children? A Yes, sir.

Q Has any application of any description ever been made before today for you or either of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir, none at all.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and two minor children, under article 14 of the treaty of Dancing Rabbits Creek? A Yes, sir.

Q You understand that 14th article? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article to your knowledge? A No, sir, not to my knowledge.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir.

Q None of them moved out there? A No, sir.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No, sir, I don't know.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States? A No, sir, I don't know.

Q Did you ever hear of any of them ever having gotten any land from the Government? A No, sir.

Q Or any money? A No, sir.

Q You understand the causes which brought about certain Acts of Congress between the years 1837 and 1842, and the provisions of those Acts, do you not, providing for the appointment of commissioners to come down here to Mississippi and hear these Choctaw cases?

A Yes, sir.

Q Do you know whether any of your ancestors ever appeared before any of these commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

A No, sir, I don't know.

Q Do you know whether any of them ever got any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A No, sir.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Celestine Davis, et al., 3.

Q Have you any written evidence to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here today? A Yes, sir.

Q Who? A Mr. Holley.

Q He is the witness who testified in support of the application of your grand father, Edmo Bang? A Yes, sir.

Q What do you expect to prove by Mr. Holley?

By J.R.Holcomb:

He can testify -- we propose to prove by Mr.Holley that her father was possessed of Indian blood.

By Commission:

Have you any other witnesses? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

By Mr.Holcomb:

We desire to have the Commission consider, in connection with the application of this applicant, the testimony of Dr.Murphy and Mr.Holley, taken in support of the application of Edmo Bang.

By Commission:

Are there any further statements you want to make at this time in support of your application? A No, sir.

Q How many of your father's brothers are living? A Just that one, whose name I have already given.

Q Did your father ever have any sisters? A No, sir.

Q You never heard of him having any other brothers? A He had more but they are all dead.

Q Did any of them leave children? A Yes, sir, one left three children.

Q What are the names of those three children? A John G. Bang.

Q Next one? A Mary Bang.

Q Next one? A Louisa.

Q What was the name of their father? A Alfred B. Bang.

Q Their mother? A Desera Bang.

Q Did he ever have any other brothers who left children? A No, sir.

The applicant has the appearance of being a white woman; she has black hair and dark eyes, and dark complexion; she shows no indication of being possessed of Indian blood.

(Applicant-excused.)

Celestine Davis, et al., 4.

Hosea E. Holley, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Hosea E. Holley.
Q How old are you? A Sixty three.
Q What's your post office address? A Purvis, Mississippi.
Q You are the Hosea E. Holley who testified this morning in the Edmo Bang case? A Yes, sir.
Q Are you acquainted with the applicant, Celestine Davis? A I knew her when she was a good big girl, but I left there eleven years ago.
Q You knew her when she was a child? A Yes, sir.
Q Were you acquainted with her father? A Yes, sir.
Q What was his name? A They called him Pug Bang; I don't know his given name.
Q How long did you know him? A I knowed him ten or fifteen years.
Q There in Jackson County, Mississippi? A Yes, sir.
Q Did he have any Choctaw blood? A I couldn't say as to that; I suppose he did have a little; he was mixed up with something.
Q Part French was he? A I think so, yes.
Q Are you interested in any way in the result of this applicant's case? A None in the world.
Q You don't know whether any of the ancestors of Pug Bang ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.
Q Did you know his father and mother? A No, sir, I have seen his mother, but I never saw his father.
Q You don't know what her name was? A No, sir, I don't.
Q Did his mother have any Choctaw blood? A I couldn't say.
Q About how old a man was Pug Bang; how old would he be if he were living now? A I expect he would be about forty five.

By Mr. Holcomb:

Mr. Holley, was Pug Bang regarded in that community as being part Indian? A Well, I couldn't say about that. I think, I couldn't say for certain, I think he claimed some. I couldn't state positively.

Q You wouldn't state that their people regarded him as being possessed of Indian blood? A No, sir.

Q By Commission:

What's that question?

By Holcomb:

Could you state that the people in that community regarded him as being possessed of some Indian blood? A Yes, sir.

(Witness excused.)

Celestine Davis, et al., 5.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 22nd day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory,
this 10th day of May, 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Celestine Davis in the matter of her
application for the identification of herself and her minor child-
ren as Mississippi Choctaws, M.C.R. 5350

J. H. Holcomb
Atty at Law

COPY.

M.C.R. 5359

Muskogee, Indian Territory, April 17, 1903.

Celestine Davis,

Vanocleave, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

Edmo Bang, et al.,	M.C.R. 5356
Margaret Ann Mason,	M.C.R. 5358
Celestine Davis, et al.,	M.C.R. 5359
Mary Jane Waltman, et al.,	M.C.R. 5480
Benjamin Bang, et al.,	M.C.R. 4728
Frank Bang, et al.,	M.C.R. 4726
Henry Bang, et al.,	M.C.R. 5482
Edward Bang, et al.,	M.C.R. 4727

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman,

C. D. ---2.

Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Ezien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tam's Bixby.

Chairman.

Registered.

M.C.R. 5359.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Celestine Davis,
Vancleave, Mississippi.

Dear Madam:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edme Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No.

For Identification as a Mississippi Choctaw.
 Meridian Miss.

Date

Nov. 2, 1902

Name Celestine Lewis

Age

19

Blood

don't know

Post Office,

Tombigbee, Miss.

Father:

Pug Bung

d.

Mother:

Lore

"

d.

Claims through both parents to
 husband

" " " " " "

no claim for husband

d.

Children:

Martha C.

Lewis

2

Wansom V.

"

1

Stenographer

V. S. Strub

Choctaw MCR 5360

Willie H. Carroll

See MCR 5479

MCR 5360

5360

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 22, 1902.

In the matter of the application of Willie H. Carroll for the identification of herself and her nine minor children, John E., Grover C., Joseph W., Arthur H., Effie J., Abizer, Catherine O., Samuel P., and Hamilton B., as Mississippi Choctaws.

Appearances:

J. R. Holcomb, Attorney for Applicant.

Willie H. Carroll, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Willie H. Carroll.
- Q How old are you? A I am thirty seven years old the 10th day of April.
- Q How much Choctaw blood have you? A Now, I couldn't tell you how much I have got, about half, I reckon.
- Q What's your post office address? A Van Cleave, Mississippi, Jackson County.
- Q Is your father living? A No, sir, he's dead.
- Q What was his name? A John Bobbinger.
- Q Is your mother living? A No, sir, she's dead.
- Q What was her name? A Tennessee Bobbinger.
- Q Did your father have any Choctaw blood? A No, sir, not that I know anything about.
- Q How much Choctaw blood did your mother have? A I reckon she was about half, I reckon; I couldn't tell you how much she had; I couldn't tell you anything about it, because I am the very youngest one of the family.
- Q What was your father? A He was Dutch.
- Q You think your mother was about half Choctaw, what was the other half? A French.
- Q That would make you a quarter blood instead of a half? A Yes, sir, I reckon it would.
- Q How long has your mother been dead? A She's been dead eighteen years in July.
- Q About how old was she when she died? A She was sixty one.
- Q Did she live in Jackson County all her life? A Yes, sir.
- Q Did she speak the Choctaw language? A Well, she could speak some words, but not much.
- Q Do you know the names of her parents? A No, sir, I couldn't tell you, the names of her parents, I could remember her father.
- Q What was her father's name? A Alex C. Ladnier.
- Q Did he have any Choctaw blood? A Yes, sir.
- Q How much? A I don't know, he was about three parts, I reckon.
- Q Three quarters, you mean? A Yes, sir.
- Q Did your mother's mother have any Choctaw blood? A Yes, sir.
- Q How much did she have? A I couldn't tell you how much she had.
- Q You don't know her name? A No, sir, I don't know her name.

Willie H. Carroll, et al., 2.

- Q All of your Choctaw ancestors, so far as you know, have lived here in Jackson County, Mississippi? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What's his name? A Abizer Carroll.
- Q Has Abizer any Choctaw blood? A No, sir, not a bit that I know of.
- Q You make no claim for him, then? A No, sir.
- Q How many children have you living? A Nine.
- Q What are their names? A John E. is 18.
- Q Next? A Grover C., fifteen; Joseph W., 14; Arthur A. 12; Effie, J., 10; Abizer, 7; Catherine O., 5; Samuel F., 3 and Hamilton B., 1.
- Q That's all is it? A Yes, sir, that's all of them.
- Q These children are all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Abizer Carroll?
- A Yes, sir, every one.
- Q This application, then, is for yourself and nine minor children?
- A Yes, sir.
- Q Has any application of any kind, ever been made for you before today, for you or any one of these children, for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and nine minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q You understand that 14th article, do you not? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
- A No, sir, not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not that I know of. If they did, I don't know anything about it.
- Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No, sir, not to my knowing.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did you ever hear of any of your ancestors ever having received any land here in Mississippi, or any money, from the Government as Choctaw Indians? A No, sir, never did.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on

Willie M. Carroll, et al., 3.

this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi, between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, if they did I never heard of it.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Well, I don't know, except one down there, and that's old man Henry Havens, he is the oldest man down there.

Q Do you think he would know whether any of your ancestors ever complied with this treaty provisions or not? A Yes, sir, he is the oldest man down there, and he knowed them all.

Q About how old a man is he? A I suppose, he is about seventy years old.

Q He is not here today as a witness? A No, sir.

Q Is Van Cleave his post office address? A Yes, sir, Van Cleave is his post office.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your people ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Willie H. Carroll, et al., 4.

Q Have you any witnesses here today to testify in your case?
A None but Mr. Holley and Dr. Murphy.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.
Q Have you any brothers living? A Yes, sir, five.
Q What are their names? A One named Pierre.
Q Was he been before this commission? A Yes, sir.
Q Next one? A Frederick, and the oldest one is named Valentine, and the next one Michael.
Q Have you named all of them? A Yes, sir.
Q Have you any sisters living? A Two, yes, sir.
Q What are their names? A One Catherine O., and the next one, Elizabeth.
Q What's Catherine's married name? A Ely.
Q What's the name of the next one's husband? A John Gill.
Q Have any of your brothers or sisters, besides Pierre, been before this Commission? A No, sir.
Q Is he your full brother? A Yes, sir, full brother.
Q He was here in February last? A Yes, sir.
Q What relation is your mother to Edmo Bang, who just appeared before the Commission? A I couldn't tell you; if she is not to Edmo she is to his wife.
Q What relation? A Half sisters.
Q Did they have the same father or the same mother? A Same mother, I think. You asked me something I couldn't tell you; I don't know whether they had the same mother or the same father, but I don't think they was but half sisters.

By J.R.Holcomb:

We desire that the testimony of Mr.Hosea E.Holley and Dr.R.W. Murphy, submitted this day in the Edmo Bang case, be considered in this application.

Q By Commission:

You don't speak or understand the Choctaw language? A No, sir, not a word.

Q Did your mother? A Yes, sir, she could speak some words; I don't know how much, but she could speak some words.

(The applicant has straight black hair, very dark complexion, dark eyes, although she has the features and facial expressions of a white person. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled

Willie M. Carroll, et al., 5.

cause at Meridian, Mississippi, on the 22nd day of April, 1902,
and that the above and foregoing is a full, true and correct trans-
lation of his stenographic notes of said proceedings in said cause
upon said date.

R. S. Street

Subscribed and sworn to before me at Muskogee, Indian Territory,
this 10th day of May, 1902.

Charles W. Sawyer

Notary Public.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Willie H. Carroll in the matter of
her application for the identification of herself and her minor
children as Mississippi Choctaws, M.C.R. 5360.

W. H. Carroll
Atty at Law

COPY.

Muskogee, Indian Territory, April 17, 1903.

Willie H. Carroll,
Vandeleave, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frederick Bobinger, et al., embracing the following applications for identification as Mississippi Choctaws:

Frederick Bobinger, et al.,	M.C.R. 5479
Pierre Bobinger, et al.,	M.C.R. 4729
Willie H. Carroll, et al.,	M.C.R. 5360

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frederick Bobinger, Margaret Bobinger, Arthur Bobinger, Joseph Bobinger, Josephine Bobinger, Odie Bobinger, Mitchell Bobinger, Elizabeth Bobinger, Margaret Bobinger (2), Edna Ann Bobinger, Pierre Bobinger, Mary Bobinger, Linnie Bobinger, Martha T. Bobinger, Levi Bobinger, Ella Bobinger, Sarah

Willie H. Carroll,-2

Bobinger, Leonard Bobinger, Soulie E. Bobinger, Ferdinand C. Bobinger, Willie H. Carroll, John E. Carroll, Grover C. Carroll, Joseph W. Carroll, Arthur H. Carroll, Effie J. Carroll, Abizer Carroll, Catherine O. Carroll, Samuel P. Carroll and Hamilton B. Carroll, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby
Chairman.

Registered.

M.C.R. 5360.

COPY.

Muskogee, Indian Territory, July 28, 1903.

Willie M. Carroll,

Vandeventer, Mississippi.

Dear Madam:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frederick Bobinger et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in charge.

0017

No.

512

For Identification as a Mississippi Choctaw.

Meridian Miss

APR 22 1907

Date

Name Willie A. Carrone

Age 37

Blood 1/4

Post Office, Meridian, Miss

Father: J. B. Springer d

Mother: Sarah d

Claims through mother
husband
Wm. Carroll
brother for line 1.

Children:

John E. Carrone	18
Robert C.	16
Joseph W.	14
Arthur H.	12
Effie F.	10
Alvin	8
Katharine C.	5
Daniel F.	3
Samuel B.	1

Stenographer R. J. Shurt

Choctaw MCR 5361

Nellie Holloway

MCR 5361

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nellie Holloway for
identification as a Mississippi Choctaw, M.C.R. 5361.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Nellie Holloway.

(Page)

Original application of Nellie Holloway before
the Dawes Commission for identification
as a Mississippi Choctaw1

Decision of the Commission refusing the application
of Nellie Holloway for identification
as a Mississippi Choctaw6

J.F.W.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Nellie Halloway for
identification as a Mississippi Choctaw, M.C.R. 5361.

-- DECISION: --

It appears from the record herein that an application
for identification as a Mississippi Choctaw was made to this Commis-
sion by Nellie Halloway for herself, under the following provision
of the act of Congress approved June 23, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that the said applicant claims rights in
the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of Nellie, who is alleged to have been a quarter blood Choctaw

Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that the said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 581).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Hollis, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1848 (9 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hollis Holloway as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.

MISSING OFFICER.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

Marquette, Indian Territory,

OCT 31 1902

5361

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 22, 1902.

In the matter of the application of Nellie Holloway for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Hones, Agent for Applicant.

Nellie Holloway, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Nellie Holloway.
Q About how old are you? A About fifty six.
Q How much Choctaw blood have you? A I think I have got one
eighth.
Q What's your post office address? A Meridian, Mississippi.
Q Any local address? A Get my mail at the post office here in
town.
Q Is your father living? A I don't know, sir; they carried him
away from here when I was a child.
Q What was his name? A Lewis Powell, I just can remember him.
Q Is your mother living? A No, sir, she's been dead twelve years.
Q What was her name? A Jennetta Gilley.
Q Through which one of your parents did you get your Choctaw
blood? A My mother's side.
Q You don't know whether your father had any Choctaw blood or not?
A No, sir.
Q How much Choctaw blood do you claim your mother had? A She had
three eighths, I think, or two eighths, or something, mother's
Q Your mother's grand mother was a half Indian? A Yes, sir, that's
what she said.
Q How old would your mother be if she were living now? A I think
she would be about ninety years old.
Q Was your mother a slave? A Yes, sir.
Q And you were a slave? A Yes, sir.
Q Where was your mother born? A In Alabama.
Q What county? A Montgomery County.
Q Did she live in Montgomery all her life? A In Montgomery and
Mississippi together.
Q How long did she live in Mississippi? A Come here about forty five-
or four, somewhere.
Q You have lived here in Mississippi ever since that time? A Yes,
sir.
Q You were born there in Alabama, and lived there until you were
about sixteen? A Until I was going on sixteen.
Q Through which one of her parents did your mother get her Choctaw
blood? A Her mother.
Q What was her mother's name? A Her mother's name Nellie; I was
named after her.

Hellie Holloway, et al., 2.

- Q Well, how much Choctaw blood did she have? A. Who?
- Q Your mother's mother? A She had - I don't know how much she had, she said she was a half Indian.
- Q I thought you said that your mother's grand mother was a half Indian? A It is my mother's grand mother.
- Q I am speaking your mother's mother? A I don't know how much she had in her, if her grand mother was a half Indian.
- Q Her mother would have been a quarter? A Yes, sir.
- Q And your mother would be one eighth? A Yes, sir.
- Q And you would be one-sixteenth instead of one-eighth? A Yes, sir.
- Q The Choctaw blood comes down on the female side of your family?
- A Yes, sir, I don't know nothing about the other part.
- Q Where was your mother's mother born? A I don't know.
- Q Did she live in Alabama all the time you knew her? A Never did see her.
- Q Where did she live? A I think they said she lived in Georgia.
- Q Did you ever hear your mother say what kind of Indian blood she had? A She said she was kin to the Choctaws. She had Choctaw blood in her; Choctaw Indian blood in her. Of course, in them times, I didn't pay much attention to that.
- Q She couldn't talk the Choctaw language, could she? A No, sir.
- Q And you can't talk it? A No, sir, when I first could remember, she looked just like an old Indian squaw.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q Has he any Choctaw blood? A I don't know.
- Q You make no claim for him? A No, sir.
- Q What was his name? A Sanford Holloway.
- Q Have you any children living? A No, sir, I aint got none.
- Q This application, then, is for yourself only? A Yes, sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the 14th article of the treaty of Dancing Rabbit Creek?
- A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
- A No, sir, not as I knows of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I knows of.
- Q Did any of them live here at that time? A I don't know, sir.
- Q They were living over in Montgomery at that time, were they not?
- A I reckon so.
- Q Did any of your Choctaw ancestors ever remove to the present Choctaw nation, in Indian Territory? A If they have, I don't know it.
- Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know, sir, if they did.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of

Nellie Holloway, 3.

the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of your people ever receive any land or money from the Government of the United States as Choctaw Indians?

A Not as I knows of.

Q

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales, here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors ever appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I knows of.

An Act of Congress approved on the 23rd day of August, 1842, providing that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi or Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply

Nellie Holloway, 4.

with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Haven't that I know of.

- Q You don't know of any one who would know about that? A No, sir.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.
Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Any further statements you want to make at this time in support of your application? A No, sir.
Q Have you any brothers living? A Yes, sir, two brothers somewhere.
Q What are their names? A One named Bob and the other Steve Gilley.
Q Have they ever been before the Commission? A No, sir.
Q Where do they live? A One in Ellisville, Mississippi, and one in Greenville, Mississippi.
Q What's the name of the one that lives in Greenville? A Stephen.
Q Did you ever have any children? A No, sir.
Q Have you any brothers dead? A One to my knowing.
Q Did he leave any children? A Yes, sir, left two.
Q Are they living? A Yes, sir.
Q What are their names? A One, Ammie Gilley and Jennetta Gilley.
Q Are they married, either of them? A No, sir.
Q Where do they live? A In Chattanooga, the oldest one is down here now, and is not going back, but the other one, her mother carried her back.
Q What's the name of the father of these children? A His name was Joe Gilley.
Q Did you ever have any sisters? A I have got two, but I can't count on but one, because the other one, I don't know where she is.
Q What are the names of your two sisters who are living? A The oldest one is Lucy Early.
Q Who did she marry? A I don't know, sir, she wasn't married to any one when she left me. She left here before we got there at the time of the Sherman Raid.
Q You have never seen her since? A No, sir. I have seen my youngest sister since, yes, sir.
Q What was her name? A Mary David.
Q Where does she live? A She lives in eastern Mississippi.
Q Has she been before the Commission? A No, sir, if she did, she went somewhere else; she never had been here.
Q Have you any children dead who left children? A Never had but them two.
Q Has your mother any brothers or sisters living? A I couldn't tell you nothing about that.
Q Where did she live? A In Alabama, aint none of the olde people around me that grewed up with my mother.

Nellie Holloway, 5.

- Q You don't know anything about her relatives, then? A No, sir, I have seen two of her sisters, and one of her brothers, but we left them all back in Alabama, in slavery time.
- Q You don't know where they are now? A No, sir.

(The applicant has the appearance of being a full blood Negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 22nd day of April, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 10th day of May, 1902.

Charles H. Sawyer

Notary Public.

COP

Muskogee, Indian Territory, October 31, 1902.

Hellie Holloway,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hellie Holloway, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hellie Holloway as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. ...
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 31, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nellie Holloway, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nellie Holloway as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of

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said that the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Dickey.
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 31, 1902.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nellie Holloway, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nellie Holloway as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case

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has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 31, 1902.

-Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nellie Holloway, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nellie Holloway as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which

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to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Dinkley.
Acting Chairman.

COPY

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Nellie Holloway, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the applicant in this case, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James H. Hodge

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M C R 2361

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69824-1902.

-:- COPY -:-

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Nellie Holloway, for identification as a Mississippi Choctaw claiming rights under the 14th article of the Choctaw treaty of 1830. October 31, 1902, the Commission held that the applicant was not entitled to identification.

Descent is claimed from Nellie through Jennetta Gilley (nee Powell) her daughter, it being claimed that Nellie, was a member of the Choctaw tribe of Indians in Mississippi in 1830, and who complied or attempted to comply with the provisions of article 14 of the treaty.

The applicant is not a full blood Choctaw Indian. A careful search of the records of this office fails to show that Nellie, or Nellie Gilley received a patent for land under the provisions of article 14 of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it appear that she

-:- 2 -:-

applied to the Commission appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the application, be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C. (E.)

D.O. 576

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ITD.7856-1902.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON.

January 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification of Nellie Holloway as a Mississippi Choctaw, who claims to be a descendant of one, Nellie, alleged to have been a one-fourth blood Choctaw Indian.

The record fails to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Nellie or a less remote ancestor complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 31, 1902.

Forwarding the papers December 17, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the record and hereby affirms the decision therein.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY M.C.R. 5361

Muskogee, Indian Territory, January 18, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Nellie Holloway for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

Commissioner in Charge.

1903. M.C.R. 5361

Muskogee, Indian Territory, January 16, 1903.

S. A. Leadle,

Attorney at law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Nellie Holloway for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED):

T. B. Woodlee.

Commissioner in charge.

COPY.

M.C.P. 5361

Muskogee, Indian Territory, January 18, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Nellie Holloway for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in charge.

W.C.R. 5361.

Admission, Indian Territory, January 16, 1903.

Hellie Holloway,

Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

SIGNED

T. B. McCall.

Commissioner in charge.

No.

5031

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

APR 22 1902

Name

Nellie Holloman

Age

56

Blood

1/16

Post Office,

Meridian Miss.

Father:

Levis Powell

deceased

Mother:

Annella Wiley 1/8 d.

Claims through mother

hus band.

Sanford Holloman
no claim for husband

L

Children:

P. S. H. H.

Choctaw MCR 5362

Sylvester Barrett

MCR 5362

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sylvester Barrett for
identification as a Mississippi Choctaw, M.C.R. 6562.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of Sylvester Barrett.

	(Page)
Original application of Sylvester Barrett to the Daves Commission for identification as a Mississippi Choctaw-----	1
Testimony of Joseph B. Harris-----	6
Decision of the Commission refusing the ap- plication of Sylvester Barrett, for identifi- cation as a Mississippi Choctaw-----	8

-----0-----

5362

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, April 22, 1902.

In the matter of the application of Sylvester Barrett for
identification as a Mississippi Choctaw.

Appearances:

J. R. Holcomb, Attorney for Applicant.

Sylvester Barrett, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sylvester Barrett.
Q How old are you? A I really don't know.
Q About how old? A About twenty eight.
Q How much Choctaw blood have you? A One thirty-second.
Q What's your post office address? A Purvis, Mississippi.
Q What county? A Marion County.
Q How long have you lived at Purvis? A Seven years.
Q Where did you live before that? A I lived in Simpson County,
Mississippi.
Q How long did you live there? A I don't know how long, eight or nine
years.
Q Where did you live before that? A In Smith County, Mississippi.
Q How long did you live there? A About five years.
Q Where did you live before that? A In Newton County, Mississippi.
Q Did you live there all your life until that time? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Reuben Barrett.
Q Is your mother living? A No, sir.
Q What was her name? A Sarah Barrett.
Q Did your father have any Choctaw blood? A No, sir.
Q How much did your mother have? A One sixteenth.
Q How long has your mother been dead? A Three years ago.
Q How old was she at the time of her death? A I believe she was
sixty two.
Q Did she live here in Mississippi all her life? A Yes, sir, I
think she did.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Clarissa.
Q What other name did she have? A Her married name was Fountain.
Q Your mother's father had no Choctaw blood? A No sir, not that
I know of.
Q Clarissa, then, was one eighth Choctaw, according to your
statement? A Yes, sir.
Q Did she live in Mississippi all her life? A I don't know, sir,
I never did see her; I don't know whether she did, or not.
Q Do you know where she was born? A No, sir, I never did hear my
mother say.
Q Through which one of her parents did she get her Choctaw blood?

Sylvester Barrett, 2.

- A From her mother.
- Q What was her name? A I don't know, sir.
- Q Do you know the names of any of your Choctaw ancestors further back than Clarissa? A No, sir.
- Q Did you ever hear of any of your Choctaw ancestors living outside of the State of Mississippi? A No, sir.
- Q Are you married? A No, sir.
- Q Have you ever been married? A No, sir.
- Q This application is for yourself? A Just for myself, yes, sir.
- Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A No, sir, not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know, sir.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know, sir.
- Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.
- Q Did you ever hear of any of your people ever having gotten any land from the Government of the United States? A No, sir.
- Q Or any money? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent did fail to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws

Sylvester Barrett, 3.

who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not that I know of.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence of any kind to offer at this time, in support of your application? A No, sir.
- Q Have you any witnesses here today to testify in your behalf.
- Q Only Dr. Joseph B. Harris.
- Q Have you any other witnesses? A No, sir, not present, I have not.
- Q What do you expect to prove by Dr. Harris? A

By J.R. Holcomb:

I want to take the family generally upon the knowledge in his possession.

By Commission:

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Meridian, Mississippi, at any time before the 30th of this month, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Sylvester Barrett, 4 .

- Q Are there any further statements you want to make at this time in support of your application? A No, sir.
- Q Have you any brothers living? A Yes, sir, four.
- Q What are their names? A Jasper, Lee, Licurgas.
- Q What's the name of the fourth one? A Ruffin.
- Q Where do they live? A In Simpson County.
- Q Have they ever been before the Commission? A No, sir.
- Q Have you any brothers dead who left children? A No, sir.
- Q Did you ever have any sisters? A Yes, sir, one living and one dead.
- Q Did the one who is dead leave children?? A No, sir.
- Q What's the name of the sister who is living? A Mary.
- Q Is she married? A Yes, sir.
- Q What's her husband's name? A Garrett.
- Q Has she been before the Commission? A No, sir.
- Q Where does she live? A In Natchez, Mississippi.
- Q Are any of your mother's brothers living? A No, sir.
- Q Did she ever have any brothers? A Yes sir, I have heard her speak of one or two.
- Q Did either of them leave descendants? A Yes, sir.
- Q How many? A I don't know, sir.
- Q Do you know them? A No, sir.
- Q Has your mother any sisters living? A She has two living.
- Q What are their names? A One named Harris, and the other one Bruce.
- Q What's the given name of Mrs. Harris? A Mary.
- Q Where does she live? A At Hickory - close to Hickory.
- Q In Newton County? A Yes, sir.
- Q What's the name of the other one? A Margaret.
- Q What's her other name? A Bruce.
- Q Where does she live? A She lives close to McGee, Simpson County.
- Q Have either of these sisters of your mother been before the Commission? A No, sir, I don't suppose they have.
- Q Did your mother ever have any other sisters? A I think so.
- Q Did any of them leave children?? A Yes, sir.
- Q Do you know the names of the children? A Do some, and some I don't.
- Q How many of her deceased sisters left children? A There was three of them dead, and they all left children.
- Q What was the name of the oldest one of your mother's sisters who left children? A Her name was Nancy.
- Q How many of her children are living? A I don't know, sir, I never did see them but once.
- Q Do you know their names? A Well, I don't know.
- Q Where do they live? A I don't know, sir, where they live.
- Q What's the name of the next one of your mother's deceased sisters? A Eliza.
- Q What was her married name? A Earls.
- Q Has she any children living? A Yes, sir.
- Q How many? A I know four of them.
- Q Where do they live? A I believe they all live in Scott County, Mississippi.
- Q What are the names of those four children? A George and Mayat, and Victoria and Julia.
- Q What was the name of your mother's other sister who died and left children? A I don't know her given name.
- Q What was her married name? A Crowsby.
- Q Has she any children living? A She has one; he was living the last I heard from him.

Sylvester Barrett, 3.

- Q What was his name? A Thomas.
Q Where does he live? A At Beech Springs, Neshoba County, Mississippi.
Q You don't speak the Choctaw language, do you? A No, sir.

(The applicant has black straight hair, black eyes and dark complexion; she has the features and facial expressions of a white woman, and does not speak or understand the Choctaw language.)

(Applicant excused.)

Dr. Joseph B. Harris, having been first duly sworn as a witness in behalf of the applicant, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph B. Harris.
Q What's your age? A I am thirty eight.
Q What's your post office address? A Meridian, Mississippi.
Q How long have you lived in Meridian? A Been here ever since last November, was a year ago.
Q Where did you live prior to coming here? A Hickory.
Q How long did you live at Hickory? A I lived right in Hickory about eight years; I was raised in about four miles of Hickory.
Q You have lived in this State all your life? A Yes, sir.
Q What is your occupation? A Dentist.
Q Are you acquainted with the application, Sylvester Barrett?
A Yes, sir.
Q How long have you known her? A Been knowing her all her life; ever since she was a child, and ever since I was small.
Q Is she any relation to you? A Yes, sir, first cousin. Our mothers were full sisters.
Q Are you interested in any way in the result of her application?
A No, sir, not at all.
Q Is her mother living? A No, sir.
Q What was her name? A Sarah.
Q Is her father living? A No, sir.
Q What was his name? A Reuben Barrett;
Q Through which one of her parents did the applicant get her Choctaw blood? A Her mother.
Q Her father had no Choctaw blood? A No, sir.
Q What was the name of her mother's father? A Fountain.
Q What's his given name? A Henry F.
Q What was the name of her mother's mother? A She was a Thurman.
Q What was her given name? A I don't know.
Q Was it her mother's mother, or her mother's father who had the Choctaw blood? A Her mother's mother.
Q How much Choctaw blood did she have? A I don't know, I have heard her say that her great grand mother was a full blood.
Q The great grand mother of this applicant? A No, her grand mother's great grand mother; I think that's the way it is; I am not positive.

Sylvester Barrett, 6.

Have all of the Choctaw ancestors of this applicant always lived in Mississippi, so far as you know? A So far as I know; I couldn't say; I don't know.

Q Did you ever hear of any of them ever living anywhere else? A

A Well, they have lived in Newton County, this State, and they moved from down this side of Mobile, in Green County; I suppose that was in this State.

Q You don't know how long they had lived in Green County? A I don't know; I think my mother was about twelve years old, she said; she is now between sixty five and seventy.

By J.R.Holcomb:

You have always lived under the impression that your mother possessed this Indian blood, Doctor? A Yes, sir, I have always been under that impression.

Q That has been family talk? A Oh! yes, and not only with them, but with some other families that have been knowing them ever since - well, for years back - some of the ancestors.

Q You think if she had moved from some other State to Green County you would likely have heard of it? A Well, I suppose so; I don't remember of them ever living anywhere else. I don't know; I couldn't say about that; I never heard them speak of living in any other State, or anything about that.

Q Is your mother physically able to safely be here today? A I don't know whether she is or not; I couldn't say.

Q Is she feeble, or not? A I was there Sunday and she was very feeble.

Q The probabilities are, then, she would not be able to make the trip at this time? A No, sir, not hardly; it's doubtful whether she could or not.

By Commission:

You are not an applicant before the Commission, are you Doctor?

A No, sir.

Q You don't know whether any of the ancestors of this applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that, do you? A I don't know whether they ever did, or not; I don't know.

By J.R.Holcomb:

Your reason, Doctor, for not making application is not on account of the fact - not on account of the belief that you don't possess the Indian blood? A No, sir, not at all.

(Witness is a white man of intelligence, and has all the appearances of a white man, shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 22nd day of April 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Strick

Subscribed and sworn to before me at Muskogee, Indian Territory, this 10th day of May, 1902.

Charles H. Sawyer
Notary Public.

Coll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sylvester Barrett for
identification as a Mississippi Choctaw, M.C.R. 8362.

--- D E C I S I O N ---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Sylvester Barrett for herself, under the following provision of
the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, by reason of being a descendant of one

Clarissa Fountain (nee Thurman), who is alleged to have been an one-eighth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that the said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Clarissa Fountain (nee Thurman), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sylvester Barrett as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

treaty of eighteen hundred and thirty, and that the application for
her identification as such should be refused, and it is so ordered,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman,

(SIGNED)

T. B. Needles.

Commissioner,

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1902

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Sylvester Barrett in the matter of his
application for identification as a Mississippi Choctaw, M.C.R. 5362.

J. H. Holcomb
Atty at Law

COPY

Muskogee, Indian Territory, October 30, 1902.

Sylvester Barrett,

Purvis, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sylvester Barrett, applicant to the Commission for identification as a Mississippi Choctaw:

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sylvester Barrett as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tamc Pirby.*
Acting Chairman

Registered

COPY.

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sylvester Barrett, applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sylvester Barrett as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Dwyer
Acting Chairman.

COPY.

Muskogee, Indian Territory, October 30, 1902.

J.R. Holcomb,

Attorney-at-Law,

Purvis, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sylvester Barrett, applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sylvester Barrett as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Lamie Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sylvester Barrett, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Edwin M. Kelly
Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M. C. R. 2337

COPY.

Land. 69,061-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Feb. 10, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Sylvester Barrett for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the commission on October 30, 1902.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw under this application because of his descent from Clarissa Fountain (nee Thurman), who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicant because the name of the ancestor, through whom he claims, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Clarissa Fountain (nee Thurman), and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being true, it is evident that the decision of the commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Torner,

Acting Commissioner.

(W. C.B.)

P.

COPY.

D. C. No. 5921-1903.
ITD. 1592-1903.
L. R. S.

BAF.

DEPARTMENT OF THE INTERIOR.

Washington.

February 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application of Sylvester Barrett for identification as a Mississippi Choctaw, including your decision of October 30, 1902, refusing the application.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendant of one Clarissa Fountain (nee Thurman), who is alleged to have been an eighth blood Choctaw Indian.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Clarissa Fountain complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 10, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department upon a careful review of the record affirms the decision rendered.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 5362.

Muskogee, Indian Territory, March 12, 1903.

Sylvester Barrett,

Purvis, Mississippi.

Dear Madam:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

SIGNED.

Tams Bixby.
Chairman.

copy
M.C.R. 5362.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Sylvester Barrett, of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

OPY:

W.C.R. 5362.

Muskogee, Indian Territory, March 12, 1903.

J. R. Helcomb,
Attorney at Law,
Purvis, Mississippi.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Sylvester Barrett, of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

SIGNED

Tame Dixby
Chairman.

#2094

No. 5862

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

Name *Sylvester Barrett,*
Female

Age 28

Blood 3/32

Post Office, *Peru, Miss.*

Father: *Robert Barrett*

d.

Mother: *Sarah Barrett*

d.

Claims through *mother.*

Children:

Mother's mother: Clarissa Fountain

Choctaw MCR 5363

Charlotte Heard

MCR 5363

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Charlotte Heard, et al.,
for identification as Mississippi Choctaws, M.C.R. 5363.

List of papers forwarded to the Secretary of the Interior/
comprising the record in the above case.

	(Page)
Original application of Charlotte Heard, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the applica- tion of Charlotte Heard, et al., for identification as Mississippi Choctaws-----	9

---o---

5264

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 22d, 1902.

In the matter of the application of Charlotte Heard for the identification of herself, her husband, Bob, and one minor child, Lewis, as Mississippi Choctaws.

APPEARANCES: A.W. Trotter, Attorney for applicant.

Said Charlotte Heard, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Charlotte Heard.
- Q How old are you? A About fifty years old.
- Q How much Choctaw blood have you? A Half I reckon--my grandfather and grandmother was whole Indian and my mother was half.
- Q Did your father have any Choctaw blood? A Yes, had some.
- Q How much? A I don't know how much but he had some.
- Q You have no idea how much he had? A No sir.
- Q If your mother was a half and your father didn't have enough so you know how much it was, you would be about a quarter--is that right? A I expect so.
- Q What's your postoffice address? A Lauderdale, Mississippi.
- Q How long have you lived in Lauderdale County, Mississippi? A Been here thirty-one years.
- Q Where did you live before that? A Louisiana.
- Q How long did you live in Louisiana? A Lived there--I was about between ten and eleven years old when I left there to come to this country. We come to Jackson and left there and then went to Lauderdale.
- Q Were you a slave? A Yes sir.
- Q Father a slave? A Might near it.
- Q Was he a slave? A Yes sir.
- Q And your mother was too? A Yes sir.
- Q What was your father's name? A Aaron McKnight.
- Q How long has he been dead? A Been dead three years.
- Q How old was he when he died? A So old his head was white as a piece of cotton--I reckon he was between eighty and ninety.
- Q Where was he born? A Born in Louisiana.
- Q Lived there up to the time he came to Jackson? A Yes sir, we left him there and I came to this country. White people brought me here but I couldn't go back no more.
- Q Is your mother living? A My mother's been dead twenty-one years.
- Q What was her name? A Mary.
- Q About how old was she when she died? A Mama was fifty-two years old when she died.
- Q Did she and your father live together up to the time of her death? A Yes sir.
- Q Did they continue living together right on after the surrender? A Yes sir--married her when she was a little girl and lived with her until she died.
- Q You claim your mother was one-half Choctaw, do you? A Yes sir.
- Q Could she speak the Choctaw language? A Yes sir.
- Q Could she talk like the Indians talk? A Yes sir--I couldn't and none of her children could but she could talk Indian.

Charlotte Heard et al--2

Q Where was she born? A I don't know where she was born at.
Q Did she live in Louisiana up to the time of her death? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood, her father or mother? A Her mother.
Q What was her mother's name? A Her mother was named Lucy, my grandmother was named Hannah and my grandfather was named John.
Q What was your mother's mother's name? A Lucy.
Q Was Lucy a slave? A I don't know.
Q Did you ever see her? A No sir.
Q How much Choctaw blood did Lucy have? A She claimed to be half.
Q Half Choctaw? A Yes sir.
Q Did your mother's father have any Choctaw blood? A She said all of her people was half Indian.
Q What was your mother's father's name? A Henry.
Q Henry what? A Henry Johnson.
Q Did you ever see him? A No sir.
Q You claim both him and his wife Lucy were half blood Choctaws?
A Yes sir.
Q They were both slaves, were they? A Yes sir.
Q Do you know where Henry was born? A No sir.
Q He lived in Louisiana as long as you knew anything about him, did he? A Yes sir.
Q Do you know whether he and Lucy were married? A Yes sir, they was married, most everybody was lawfully married or they wouldn't let them stay together.
Q How many children did they have, Henry and Lucy? A I don't know but three.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What's his name? A Bob Heard.
Q Is your husband a Choctaw? A Yes sir.
Q How much Choctaw blood has he? A Well, I reckon he's about half-his mother's father I reckon he's got right smart too.
Q Did his father have any Choctaw blood? A I think his father was a creole.
Q Was Bob a slave? A Yes sir.
Q And his mother was a slave? A Yes sir.
Q If his mother was half, he couldn't be more than a quarter, could he? A His mother was half.
Q Then Bob is only a quarter? A Yes sir.
Q How old is he? A Seventy years old.
Q How long has he lived in this State? A Been here long time.
Q How long? A Been here ever since before the surrender.
Q Where did he come from to this country? A Mobile.
Q Where was he born? A Mobile.
Q Lived there until he came to Mississippi, just before the surrender? A Yes sir.
Q What was the name of Bob's father? A Felix Heard.
Q Is Bob's mother living? A No sir, she's dead.
Q What was her name? A Mary.
Q Did you ever see her? A Yes sir, seen her many times--lived with her for a year or two.
Q How much Choctaw blood did she have? A Half.
Q Where was she born? A In Mobile.
Q Did she live there all her life? A Yes sir, until she came to Lauderdale.

Charlotte Heard et al---3

Q When did she come to Lauderdale? A She was there when I came to Lauderdale.

Q You don't know how long she has been there? A No sir.

Q How old would she be if she were living now do you think? A She would be mighty old.

Q When did she die? A She's been dead about fifteen or sixteen years.

Q Do you know the names of her parents? A Yes sir.

Q What was her father's name? A I don't know her father--I know her mother.

Q What was her mother's name? A Anice Ulrick.

Q Was she a slave? A Yes sir.

Q How much Choctaw blood did she have? A She had right smart--her grandma was a whole Indian--Bob's mother's mother was a whole Indian.

Q Did you ever see her? A Yes sir, was with her many times.

Q How long has she been dead? A About twenty-one years.

Q How old was she when she died? A I don't know how old she was--but her head was plum white.

Q Could she speak the Choctaw language? A She could talk it and could talk with us too.

Q You mean to swear now that Anice Ulrick, the grandmother of your husband on his mother's side--whom you claim was a slave--was a full blood Choctaw Indian? A Yes sir.

Q You swear to that? A Yes sir.

Q Did Mary's father have any Choctaw blood? A I didn't know her father.

Q Where was Anice born? A They were all born in Mobile.

Q Were you and Bob married under a license? A Yes sir.

Q Where? A Married right in the house by license.

Q Where? A At Lauderdale Springs.

Q Who married you? A Preacher Gant--he's dead now.

Q Have you any children who are under age and unmarried? A Yes sir, got one.

Q What's the name of that child? A Lewis.

Q How old is he? A He's thirteen years old.

Q Does he live with you? A Yes sir.

Q Is he the child of yourself and Bob Heard? A Yes sir.

Q This application, then, is for yourself and your husband and one minor child, is that right? A Yes sir.

Q Has any application of any kind ever been made before today for you, your husband or this minor child for the purpose of establishing your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and husband and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir, tell me.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830--over 71 years ago--between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of

the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what was known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation west of the Mississippi River, might receive land here in Mississippi from the Government. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek; do you think you understand it? A Yes sir.
- Q Did any of your ancestors--forefathers--old folks--ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made, 72 years ago, nearly? A I don't remember of hearing of it.
- Q Do you know where any of your Choctaw ancestors or any of your husband's Choctaw ancestors were living in 1830, when the treaty was made--that was along about two or three years before he was born? A None of our old heads are living now.
- Q Where were they living 72 years ago, long before you were born? A I don't know where they were living.
- Q Did any of your ancestors or any of your husband's ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not any of them that I know of.
- Q Did any of them within six months from the time this treaty of

Charlotte Heard et al---5

Dancing Rabbit Creek was ratified or finally agreed to, let the Agent of the Government here in Mississippi at that time know that they wanted to stay here and become citizens of the States and take land--do you know about that? A I don't remember of hearing any of them say anything about it.

Q Did any of your ancestors or any of your husband's ancestors ever claim or receive any land here in Mississippi, or elsewhere, from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Are you sure of that? A No sir, we aint got a bit.

Q Never did get any? A No sir.

Q Did any of your people or any of your husband's people ever get any money from the Government? A No sir, only what we worked for.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know, ~~with~~ that they wanted to stay here and become citizens of the States and take land, and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your husband's ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of--I know they aint--we never heard of it before this year and last.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be

Charlotte Heard et al---6

entitled to select, in the place of the land so sold by the Government, land some place else here in Mississippi or In Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q As far as you know, none of your ancestors and none of your husband's ancestors ever received any benefits whatever as Choctaw Indians?

A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors or any of your husband's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone--none of them ever have said anything about it. If they had they would have told us about it.

Q You don't think of any old person who would know anything about it? A No sir.

Q Have you any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time, any papers, deeds, patents? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 30th of this month or within a reasonable time thereafter at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Is there any further statement you want to make at this time in support of your application? A No sir.

Q How many children have you living who are of age? A Four of age.

Q What are the names of those children, the oldest first? A Robert Heard.

Q Has he ever been before the Commission? A No sir, none of my children have.

Q Next one? A Felix Heard.

Q Next one? A Cassie Heard.

Q Girl or boy? A Girl.

Q Married? A Yes sir.

Q What's her husband's name? A Will Bouches--she aint got no husband now, he ran away with another woman and left her--she stays with me.

Q What is the name of your next child? A Thimble Heard.

Q Boy or girl? A Boy.

Q Next one? A Balaam Heard.

Q Next one? A That's all living.

Charlotte Heard et al- --7


Q That's all the children you have who are living? A Yes sir.
Q Have you any children dead who left children? A Yes sir; my daughter is dead and left a little girl two years old.
Q What was your daughter's name? A Fronie Pearson.
Q Is that little girl living? A Yes sir.
Q What's her name? A Ophelia Pearson.
Q Who does she live with? A She lives with him.
Q What's the name of the child's father? A Ben Pearson--he lives at Shubuta.
Q Have you any other children dead who left children? A No sir.
Q Did you ever have any brothers? A Yes sir, I had brothers.
Q Full brothers? A Yes sir.
Q How many of them are living now? A Aint none of my folks living.
Q Did any of your brothers leave children? A No sir, the children got washed off the the Galveston flood.
Q Did any of your sisters leave children? A Yes sir, one.
Q How many of your sisters left children? A One of them left six children and they got washed away in that flood. My sister died of yellow fever.
Q Did you have another sister who left children? A She aint dead that I know of but I don't know where she is.
Q What's her name? A Evalina.
Q Is she married? A Yes sir.
Q What's her husband's name? A Alex Faulkner.
Q Was your husband any brothers living? A Got ~~more~~ two brothers living.
Q What are their names? A Alex Heard, who lives at Lauderdale, and the other is named Lewis and he lives at Vicksburg.
Q Have they been before the Commission? A No sir.
Q Has your husband any brothers dead? A Yes sir, one died year before last.
Q Did he leave any children? A Yes sir, left three.
Q Are they living? A Yes sir.
Q What are their names? A Lucinda Heard, Georgie Heard and Ammon Heard.
Q Are any of them married? A One of them married--Lucinda married.
Q What's her husband's name? A Mr. Tarkington; he lives at West-Point, Mississippi.
Q Have any of these children been before the Commission? A No sir, not as I know of.
Q What was the name of their father--your husband's brother? A George Heard.
Q Did your husband ever have any sisters? A Got two.
Q Is that all he ever had? A That's all I ever knew anything about.
Q These two sisters are living, are they? A Yes sir.
Q What are their names? A Ellen White and Belle Miller.
Q Have they ever been before the Commission? A Not as I know of.
Q Has your mother any brothers or sisters living? A None as I know of.
Q Did she ever have any, to your knowledge? A Never seen any of her kin folks.
Q Did your husband's mother, Mary, ever have any brothers or sisters?
A Not that I know of.


This applicant has the appearance of being possessed of a

Charlotte Heard et al---8

mixture of negro and either white or Indian blood, in which the negro blood largely predominates--does not speak or understand the Choctaw language. Her hair is somewhat inclined to be straight.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 6th day of May, 1902,
at Muskogee, Indian Territory,


Notary Public.

COPY.

156
C. 111.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Charlotte Heard, et al.,
for identification as Mississippi Choctaws, M.C.R. 5363.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Charlotte Heard for herself, her husband, Bob Heard, and her
minor child, Lewis Heard, under the following provision of the act
of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that Charlotte Heard, the principal appli-
cant, claims rights in the Choctaw lands under article fourteen of
the treaty between the United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hundred and thirty, by
reason of being a descendant of Henry Johnson and Lucy (or Lucy
Johnson) who are alleged to have been half blood Choctaws, and Aaron

McKnight, who is alleged to have been possessed of Choctaw blood, degree thereof not stated; that the applicant Bob Heard claims said rights by reason of being a descendant of Anice Ulrick, who is alleged to have been a full blood Choctaw Indian; that Lewis Heard, the minor child herein applied for, claims said rights by reason of being a descendant of all the above named ancestors.

It appears from the testimony of the principal applicant that the Henry Johnson and Lucy (or Lucy Johnson) through whom she claims to derive her Choctaw blood, are her maternal grand-parents and it also appears from her testimony that Hannah and John are her grand-parents, though she does not state that they are the parents of her father; but inasmuch as she has given the names of her maternal grand-parents, it follows that the said Hannah and John must be her paternal grand-parents, and as she claims that her father was possessed of Choctaw blood, the parents of her father will be considered as having been possessed of Choctaw blood, in order that the rights of the principal applicant and her minor child may be fully adjudicated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or Committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

The name Hannah is found on pages 89 and 107, the name John on pages 39, 122 and 139, and the name Lucy on page 87 of Vol-

ume 7, American State Papers, Public Lands. The name Hannah is also found on page 407, the name John on pages 392, 393, 405, 544, 626, 756, 757 and 764, and the name Lucy on pages 252, 254, 405, 424, 497, 507, 567, 668, 672 and 689, Volume 1 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims, No. 12742; and the name Lucy is further found on pages 1047, 1071 and 1072 of Volume 2 of the last named record; all the foregoing citations being references to certain lists, schedules and depositions relating to claims under the provisions of the treaty of "Dancing Rabbit Creek." It further appears that persons bearing the names Hannah, John and Lucy received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the evidence submitted by the applicants herein tending to show that the ancestors through whom they claim are identical with any one of the persons mentioned in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who, heretofore, were claimants thereunder, that the said Lucy (or Lucy Johnson), or Hannah, or John, through whom these applicants claim, or Henry Johnson, or Aaron McKnight, or Anice Ulrick, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and

August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Heard, Bob Heard and Lewis Heard, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Brekinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 4 1903

COPY.

M.C.R. 5363

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlotte Heard, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

COPY

M.C.R. 5363

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlotte Heard, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Heard, Bob Heard and Lewis Heard as Choctaw Indians entitled to rights in the Choctawlands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 4, 1903.

Charlotte Heard,

Lauderdale, Mississippi

Dear Madam:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlotte Heard, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty~~th~~, and that that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Heard, Bob Heard and Lewis Heard as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Charlotte Heard, —2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Pirby

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 4, 1903.

A. W. Trotter, Attorney at law,
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlotte Heard, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Heard, Bob Heard and Lewis Heard as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

A. W. Trotter,—2

filed arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Charlotte Heard, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamie Kirby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5063

Land.
12766-1903.

C O P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, April 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Charlotte Heard for herself, her husband, Bob Heard, and her minor child, Lewis Heard, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that Charlotte Heard bases her claim to identification on her descent from Henry and Lucy Johnson, through Aaron and Mary McKnight, her parents and that her husband Bob Heard on his descent from Anice Ulrick, through Mary Heard, his mother, the minor applicant, hereinafter claiming through all of the above named ancestors, who it is alleged were Choctaw Indians and residents in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants Feb. 4, 1903, for the reason that the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names Henry and Lucy Johnson and Anice Ulrick, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

This being the case it is respectfully recommended that the decision of the Commission rejecting the parties hereto, be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner/

C.T.C.

D.C. 13846

C O P Y.
DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N.

W.C.F.
RAF.

ITD. 3954-1903.
IRS.

May 6, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Charlotte Heard, her husband, Bob Heard, and her minor child, Lewis Heard, including your decision of February 4, 1903, refusing the application.

The principal applicant, Charlotte Heard, bases her claim to identification on her descent from Henry and Lucy Johnson, her maternal grandparents, who are alleged to have been half blood Choctaw Indians, and her husband, Bob Heard, on his descent from Anice Ulrick, his maternal grandmother, who is alleged to have been a full blood Choctaw Indian. The minor applicant claims through all of the above named ancestors, who are alleged to have been a full blood Choctaw Indian. The minor applicant claims through all of the above named ancestors, who are alleged to have been residents of the Choctaw Nation in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513-.

W.C.V.

-2-

Reporting April 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved, a copy of his letter is inclosed.

Having carefully reviewed the whole record, and finding no reason to modify your decision, the Department affirms the same.

Respectfully ,

THOS. RYAN.

Acting Secretary.

1 inclosure.

COPY.

M.O.R. 5363

Muskogee, Indian Territory, May 19, 1903.

Charlotte Heard,

Lauderdale, Mississippi.

Dear Madam:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlotte Heard, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY.

M.C.R. 5363

Muskogee, Indian Territory, May 19, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlotte Heard, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M. C. R. 5563

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

Andrew J. Draper,
Crowder, Indian Territory,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,



Commissioner in Charge.

#2045

Meridian Miss.

No. 5003

For Identification as a Mississippi Choctaw.

Date

APR 22 1902

Name

Charlotte Heard

Age

50

Blood

1/4

Post Office, Lauderdale, Miss.

Father: Aaron McKnight d

Mother: Mary " d

Claims through mother.

husband.

(20) years d (14) 70 L
father Alex Heard d
mother Mary " d
husband claims through mother.

Children:

Lewis Heard 13

Da.

husbands mother's mother - Alice Black, d.

mother's father Henry Johnson d

mother's mother, Lucy " d

Stenographer

J. S. Niles



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
FILED



CHILMA



General Office
M. C. R 5363;

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

~~Andrew J. Draper,~~

~~Crowder, Indian Territory.~~



Choctaw MCR 5364

Nettie Etheridge

See MCR 3676

MCR 5364

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 26, 1902.

5364

In the matter of the application for identification as a
Mississippi Choctaw of Nettie Etheridge.

Applicant not represented by attorney.

Nettie Etheridge being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Nettie Etheridge.
Q What is your age? A Twenty-six.
Q What is your post office address? A Chico, Wise County, Texas.
Q How long have you lived there? A About ten years.
Q Where were you born? A In Tennessee, Paris County.
Q Removed from there to Texas? A Yes, sir.
Q Lived in Tennessee how long? A Until I came out here, all my life.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Wiley P. Etheridge.
Q What is your mother's name? A Martha Etheridge.
Q How old is she? A Fifty-four I believe.
Q Do you claim through your father or mother? A Yes, sir.
Q Father? A Yes through my father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of his marriage with you? A No, sir.
Q Can you introduce it later? A Yes, sir.
Q You don't know when and where he was married? A In Paris Tennessee.
Q You remember what date? A No, sir.
Q You can introduce that later? A Yes, sir.
Q You are not married? A No, sir.
Q You claim for yourself alone? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever before this time been before the Dawes Commission or the Choctaw tribal authorities to enroll yourself as a Choctaw Indian? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi. It was signed on the 27th day of September 1830 and ratified on the 24th day of February 1831. The object of that treaty was to remove the Choctaw Indians from that Country East of the Mississippi River to the Choctaw Nation Indian Territory. Before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. The treaty was then signed and afterwards was ratified. It reads as follows:

"Each Choctawhead of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty; did they do any of the things that were stated to be done in that article? A I don't know.
- Q You understand that article; its provisions; what it was intended to do for those Choctaws who stayed back there; you understand what it means well enough to claim under it? A To claim under it?
- Q Well enough to make your claim now? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Powell.
- Q Nancy Powell? A Yes, Nancy Powell.
- Q What relation was she to you; great grandmother? A Great grandmother.
- Q Whom did she marry? A Etheridge.
- Q You remember the first name? A Lewis I believe.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did Nancy Powell have? A Full blood.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did she ever live in Mississippi? A I think so.
- Q You don't know when? A No, sir; I don't know.
- Q Was she married when she lived there? A I don't know.
- Q What was her father's name? A William Powell.
- Q Did he have a family in Mississippi in 1830? A I don't know.
- Q How old would Nancy Powell be if living now? A I don't know.

- Q You claim through your father Wiley P. Etheridge? A Yes, sir.
 Q He is how old? A Fifty-four I believe.
 Q Where was he born? A Paris, Tennessee.
 Q Went from there to Texas and has lived there since? A Yes, sir.
 Q Does he claim through his father or mother? A His father.
 Q What was his father's name? A Jesse L. Etheridge.
 Q Did he live in Alabama or in Mississippi? A I don't know.
 Q Never heard that he did? A No, sir.
 Q Did he claim through Nancy Powell or Etheridge? A Yes, sir.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.
 Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Indians who remained in the old Choctaw Nation in Mississippi or Alabama after the other Indians had removed from there were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward, within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. Good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements. This caused so many complaints among the Choctaw Indians that Congress in 1837 by act approved March 3rd of that year appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23rd of that year Congress appointed another Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
 Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they had formerly had in Mississippi which the government had taken from them and sold? A I don't know.
 Q This scrip or certificates were issued under an act of Congress approved August 23 of the year 1842; Who is William C. Merriman? He is my cousin.
 Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
 Q You want to have his case and the application made by your father on this date consolidated with yours? A Yes, sir.

#4

The case of William C. Merriman, number 3678, is here referred to for the purpose of consolidating this case also the case of the father of this applicant Wiley P. Etheridge, number 5350.

- Q Do you speak the Choctaw language? A No, sir.
Q Do you want any time given you in which to introduce more testimony? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has black eyes; dark complexion; dark hair; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled case on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 10th day of May 1902.

Charles H. Sawyer

Notary Public.

COPY.

Muskegee, Indian Territory, January 30, 1903.

Hettie Etheridge,
Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5382
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Hettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Argold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dink.

Acting Chairman.

Registered.

N.C.R. 5364.

COPY.

Muskogee, Indian Territory, December 11, 1903.

Nettie Etheridge,

Chico, Texas.

Dear Madam:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

SIGNED

James D. Kirby
Chairman.

For Identification as a Mississippi Choctaw.

Nettie Date APR 26, 1902,
 Name Etheridge
 Age 26 Blood 1/16
 Post-Office, Chico, Texas.
 Father: Wiley P. Etheridge, l
 Mother: Martha " l
 Claims through father

Children:

Claims for self
gone

Stenographer G. Rosenwinkel,

Choctaw MCR 5365

Ina Stack

See MCR 3676

MCR 5365

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5365

In the matter of the application for identification as Mississippi Choctaws of Ina Stack for herself and her two minor children, Birdie and Curtis Stack.

Applicants not represented by attorney.

Ina Stack being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Ina Stack.
Q I-n-a? A Yes, sir.
Q S-t-a-c-k? A Yes, sir.
Q What is your age? A Twenty-two.
Q What is your post office address? A Chico, Texas.
Q How long have you lived there? A Ten years.
Q Where were you born; Tennessee? A Yes, sir.
Q Did you live in Tennessee until you removed to Texas? A Yes, sir.
Q Where did you live in Tennessee? A Paris.
Q How old were you when you went to Texas? A Twelve years old.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Wiley P. Etheridge.
Q Your mother's name is what? A Martha Etheridge.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you evidence of the marriage of your father and mother with you? A No, sir.
Q Can you produce it later if given time? A Yes, sir.
Q Do you know at what place and when your father and mother were married? A I don't know when but they were married in Tennessee.
Q Is that all you know? A Yes, sir.
Q Are you married? A Yes, sir.
Q Your husband living? A Yes, sir.
Q White man or Indian? A White man.
Q What is his name? A Tom B. Stack.
Q You don't make any claim for him? A No, sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have two.
Q What is the name of the oldest? A Birdie.
Q B-i-r-d-i-e? A Yes, sir.
Q How old is Birdie? A Two years old.
Q This one is how old? A Seven months.
Q What is her name or is it a boy? A Curtis.
Q Boy? A Yes, sir.
Q Is Tom B. Stack the father? A Yes, sir.
Q And your husband and you are living together with these children? A Yes, sir.
Q You claim for yourself and children? A Yes, sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q You never have lived in Indian Territory have you? A No, sir.
- Q Have never been enrolled as an Indian? A No, sir.
- Q That is what I mean by that question; have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you been admitted to citizenship by any authority whatever or made application previous to the present application? A No, sir.
- Q Never have been made a member of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory or the Choctaw Council? A Never, No, sir.
- Q Do you now come before the Commission to be identified and to identify your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article fourteen of the treaty of 1830? A No, sir; I don't think I do.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article was put into what was called the treaty of 1830 and some times called the treaty of Dancing Rabbit Creek. This treaty was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year and was made for the purpose of removing all of the Choctaw Indians from that Nation East of the Mississippi River to the Choctaw Nation Indian Territory; but, before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and therefore this article, which has been read to you, was put into the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q You understand that article do you not or the purpose of it well enough to claim under it? A I don't know whether I do or not.

- Q Well you ought to know; do you think you can claim under that article? A Yes, sir.
- Q You understand it general meaning do you not? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nancy Powell.
- Q She married whom? A Married whom?
- Q Yes? A I don't know.
- Q Did Nancy Powell; that was her maiden name was it not? A Yes,.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Don't know whether she ever lived in Mississippi? A No, sir.
- Q How old would she be if living now? A I don't know that either.
- Q How old would she be if living now? A I don't know that either.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama as beneficiaries under article fourteen of the treaty of 1830? A I don't know sir.
- Q Never heard that Nancy Powell did? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in 1830 or 1831? A I don't know sir.

The Choctaw Indians who remained in Mississippi or Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward register; his failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians especially among those who lost their land that a Commission was appointed by Congress under act approved March 3rd of the year 1837, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits as Choctaw Indians? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip or certificate which were issued under an act approved August 23, 1842, to those Indians who proved their rights under article fourteen and also proved that they had land in the old Choctaw Nation which the government had taken from them and sold? A I don't know sir.

#4

- Q These certificates allowed those Choctaw Indians who received them to select land either in Mississippi, Alabama, Louisiana or Arkansas; who is William C. Merriman? A He is my own cousin.
- Q Do you want to have his testimony considered with yours and also the testimony of your father Wiley P. Etheridge and your sister Nettie Etheridge considered with yours? A Yes, sir.
- Q You would like to have that done? A Yes, sir.
- Q Have you any other evidence that you want to present now? A No, sir.
- Q You want time in which to introduce further testimony? A Yes, I guess so.
- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; brown eyes; brown hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 10th day of May 1902.

Charles H. Sawyer
Notary Public.

COPY.

M.C.R. 5365

Muskogee, Indian Territory, January 30, 1903.

Ina Stack,

Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Gora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5428
Charles E. Ward,	M.C.R. 5429
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Fannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Hammie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixey.

Acting Chairman.

Registered.

COPY.

M.C.R. 5365.

Muskogee, Indian Territory, December 11, 1903.

Ina Stack,

Chico, Texas.

Dear Madam:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

WED.

Chairman.

No. 5865

For Identification as a Mississippi Choctaw.

Date APR 26 1902

Name Ina Stack

Age 22 - Blood 1/16

Post-Office, Chico, Texas.

Father: Wiley P. Etheridge. D

Mother: Martha " l

Claims through father —
Husband

Tom B. Stack f.w.

No claim for husband

Children:

Birdie Stack. 2

Curtis (M) " 7 m-

Claims for self &
children

Stenographer L. R. [Signature]

Choctaw MCR 5366

Manda Collins Glenn

See MCR 881

MCR 5366

ON AS R. 5368
CHOCTAW.

Ellins Glenn
CANCELLED

SEP 16 1902

CANCELLED

*and transferred to
Mississippi Choctaw
R #881 September 16, 1902.*

Held pending Decision in

M. C. R #881

SEP 16 1902

CANCELLED

Choctaw MCR 5367

Minnie Etheridge

See MCR 3676

MCR 5367

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5367

In the matter of the application for identification as a
Mississippi Choctaw of Minnie Etheridge.

Applicant not represented by attorney.

Minnie Etheridge being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Minnie Etheridge.
Q What is your age? A Twenty-six.
Q What is your post office address? A Chico, Texas.
Q How long have you lived there? A About ten years.
Q Where were you born in Tennessee? A Yes, sir.
Q Then you went to Texas and have lived there since? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q Your father's name is what? A Wiley P. Etheridge.
Q Your mother's name is what? A Martha Etheridge.
Q You claim through your father do you? A Yes, sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Territory?
A No, sir.
Q Have you evidence of the marriage of your father and mother? A
No, sir.
Q Can you introduce that later do you think? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q You can do that within ten or fifteen days? A Yes, sir.

Ten or fifteen days time is allowed.

- Q Do you know when your father and mother were married? A No, sir.
Q Can you tell where? A They was married at Paris, Tennessee.
Q Are you married? A No, sir.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory? A
No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under the
act of Congress of June 10, 1896? A No, sir.
Q Have you ever made application for enrollment as a citizen of
the Choctaw Nation before this time to any authority whatever?
A No, sir.
Q Do you now come before this Commission to be identified as
a Mississippi Choctaw claiming under article fourteen of the
treaty of 1830? A Yes, sir.

Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September 1830 and was made for the especial purpose of removing the Choctaw Indians, as far as practicable, all the Choctaw Indians, who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. The treaty was then signed and afterwards ratified. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestors who lived in Mississippi in 1830; I mean who is it you are claiming through now; your grandmother; great grandmother; grandfather or great grandfather?
A Who I claim from?
- Q Yes, your Choctaw blood? A Which side of my parents?
- Q Well which parents; grand parents or great grand parents? A My great grandmother.
- Q What was her name? A Nancy.
- Q Nancy what? A Nancy Powell.
- Q Whom did she marry if you know? A I don't know.
- Q How much Choctaw blood did she have? A She was full blooded.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q You never heard that she lived in Mississippi in 1830 and was the head of a family there then? A No, sir.
- Q How old would she be if living now? A No, sir.
- Q Did you ever hear that she spoke the Choctaw language or had a Choctaw Indian name? A Yes, I have heard it.
- Q That she spoke the Choctaw language? A Yes, sir.
- Q Who told you that she did? A I have heard father say so.
- Q Heard your father say so? A Yes sir.
- Q But you never heard him say that she lived in Mississippi or Alabama? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

The Indians who stayed in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified if they wished to take advantage of the provisions of article fourteen of that treaty, were required to go to the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. so many complaints were made because of this conduct on the part of the government or its agent, that, in 1837, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government of the United States as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly occupied in the old Choctaw Nation principally in Mississippi and which the government had taken from them and sold at its public land sales? A I don't know.
- Q That scrip was issued under an act of Congress approved August 23rd 1842; who is William C. Merriman? A My cousin.
- Q Has he made application to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Did he appear at Atoka? A I don't know.
- Q Would you like to have the case of William C. Merriman, your cousin and the application also of your sister Ina Stack and your sister Nettie Etheridge and your father Wiley P. Etheridge all consolidated with your case? A Yes, sir.
- Q All consolidated under one of these cases? A No answer.
- Q Do you speak the Choctaw language? A No, sir.
- Q Do you want any time in which to furnish other testimony in this case? A No, sir.
- Q Is there anything further you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics

of being descended from white parents; she has black eyes, black hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

6. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

Rosenwinkel

Subscribed and sworn to before me this 10th day of May 1902.

Charles H. Sawyer

Notary Public.

COPY

Muskogee, Indian Territory, January 30, 1903,

Minnie Etheridge,

Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charles P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Hettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther B. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5426
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charles P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Hannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Dixie,

Acting Chairman.

Registered.

COPY.

M.C.R. 8367.

Muskogee, Indian Territory, December 11, 1903.

Minnie Etheridge,

Chico, Texas.

Dear Madam:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(S. C. D.)

Chairman.

For Identification as a Mississippi Choctaw

Date APR 26, 1902,

Name Minnie Etheridge

Age 26 — Blood 1/16

Post-Office, Chico, Texas.

Father: Wiley P. Etheridge. l.

Mother: Martha .. l.

Claims through father

~~Children:~~

Claims for self
alone

Stenographer: G. Rosenmiller

Choctaw MCR 5368

Charlie P. Etheridge

See MCR 3676

MCR 5368

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5368

In the matter of the application for identification as Mississippi Choctaws of Charlie P. Etheridge for himself and his five minor children, Mattie, Ray, Iva, Glenn and Shannon Etheridge.

Applicants not represented by attorney.

Charlie P. Etheridge being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Charlie P. Etheridge.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Chico, Wise County, Texas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Wiley P. Etheridge.
Q What is your mother's name? A Martha Etheridge.
Q Claim through which parent, father or mother? A Father.
Q How much blood do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of their marriage with you? A My father's?
Q Yes? A No, sir.
Q Is that proof to be introduced in the testimony furnished by your father Wiley P. Etheridge? A Yes, sir.
Q You want to refer to it in your case? A Yes; just the same.
Q You want to consolidate his case and yours? A Yes, sir.
Q He has just made application to be identified? A Yes, that was him that came in first.
Q Are you married? A Yes, sir.
Q Your wife's name is what? A Mattie Etheridge.
Q She is living? A Yes, sir.
Q She is a white woman? A Yes, sir.
Q She has no Choctaw blood? A No, sir.
Q You don't claim for her? A No, sir.
Q Give me the names of your children commencing with the oldest? A Mattie.
Q How old? A Ten.
Q Next? A Ray.
Q How old? A Eight.
Q Next? A Iva.
Q I-v-a? A Yes, sir.
Q How old? A Six.
Q Next? A Glenn.
Q How old? A Four.
Q Next? A Shannon.
Q How old? A Two.

#2

- Q That is all? A That is all.
- Q Is Mennie, your wife, the mother of these children? A Yes, sir.
- Q Were either you or she married before you married each other?
- A Yes, sir.
- Q Are you living with her now as husband and wife and are the children living with you? A Yes, sir.
- Q When and where were you married to your wife? A Paris, Tennessee.
- Q What date? A March 29th --it has been, we came to Texas in September of the same year I married and we have been in Texas about eleven years.
- Q Have you proof of that marriage with you? A No, sir.
- Q Can you introduce that in ten days time do you think; proof of that marriage? A I suppose I can get it up in that time.
- Q V

Ten or fifteen days will be allowed.

- Q A alright.

If it is absolutely necessary for you to take longer time you can have it but we would like to have it here in fifteen days

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A My name?
- Q Or the children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application for yourself and children to the Dawes Commission, or the Choctaw tribal authorities at any time previous to this present application that you are making now for yourself and them? A No, sir.
- Q Do you now come before the Commission to be identified and to identify your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of the year 1830. It was made for the purpose of moving the Indians from the Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under that treaty and for their interests article fourteen was put into the treaty. The treaty was then signed and afterwards ratified. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said

lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article? A Yes, sir; I think so.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Powell.
- Q Well what relation was he to you? A I don't know.
- Q Who was Nancy Powell? A She was a great-great grandmother to me.
- Q Whom did she marry? A Etheridge.
- Q Full name; John, James or William? A I know it when you speak it.
- Q Luellan? A Lewis.
- Q Was Lewis Etheridge a white man? A Yes, sir.
- Q How much Choctaw blood did Nancy Powell have? A I don't know.
- Q How do you know that you claim one-sixteenth then? A That is what I have been taught.
- Q But you never have been taught how much Nancy had? A No, sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did you ever hear that she lived in Mississippi or Alabama in the old Choctaw Nation? A I have heard it talked.
- Q Where, did you hear it talked, that she lived? A All about in the connections.
- Q Where, did you hear anybody say that she lived in Mississippi or Alabama? A Why I don't remember where it was.
- Q You don't know where she did live then? A No, sir; I don't know exactly.
- Q Of your own knowledge you don't know then that you are a descendant of a Mississippi Choctaw Indian, A Mississippi Choctaw Indian is an Indian, who you know, if you claim to be descended from one, lived in the old Choctaw Nation in Mississippi or Alabama; now you don't really know that? A No, sir; I don't really know that..
- Q How old would Nancy Powell be if living now do you know? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama, East of the Mississippi River, after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty to go to the

United States Indian Agent Colonel Ward, who had an Agency in Mississippi and tell him that they wanted to stay in Mississippi take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors, receive, under an act of Congress of August 23rd 1842, any scrip which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly occupied in the old Choctaw Nation and which the government had taken from them and sold? A I don't know.
- Q This scrip was issued only to those Choctaw Indians who proved their rights under article fourteen and also proved that their land had been taken from them and sold formerly, by the government. Who is William C. Merriman? A He is a cousin of mine.
- Q He claims through the same ancestor through whom you claim? A Yes, sir.
- Q Minnie Etheridge is what relation to you? A Sister.
- Q Ina Stack? A Sister.
- Q Nettie Etheridge? A Sister.
- Q Wiley P. Etheridge? A Father.
- Q They have all made application on this date April 26th have they not? A Yes, sir.
- Q You want to have all these cases consolidated with yours under one head? A Yes, sir.

The case of William C. Merriman is referred to here as one of the cases to be consolidated as M.C.R. 3676.

- Q Do you speak the Choctaw language? A No, sir.
- Q You want any more time in which to introduce testimony in this case? A I don't know.
- Q You think if you were given thirty days time it would be enough to introduce any other testimony? A I suppose I have done all I can do now.
- Q Well you have been allowed 15 days time in which to introduce proof of the marriage of your father and mother and the same time will be allowed for the introduction of other testimony.--You don't speak the Choctaw language? A No, sir.

Have you anything further you want to say in this case? A No, sir nothing that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has blue eyes; complexion which originally would be light, tanned now. He does not speak the Chectaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 10th day of May 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw 5350

Miss. Choctaw 5348

Muskogee, Indian Territory, May 13, 1902.

W. P. Etheridge,

Chico, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 11, inclosing certified copy of the marriage license and certificate between G. P. Etheridge and Nannie George, offered in support of the application for identification as Mississippi Choctaws of Charlie P. Etheridge, et al., and certified copy of the record of the marriage of W. P. Etheridge and Mattie Anderson, offered in support of the application for identification as Mississippi Choctaws of Wiley P. Etheridge, et al., and the same have been duly filed with the records in the above named cases.

Yours truly,

Acting Chairman.

COPY

M.C.R. 5368

Muskogee, Indian Territory, January 30, 1903.

Charlie P. Etheridge,
Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Gera Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Hettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Eliza Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may at-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Harley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jame Dixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 5368.

Muskegee, Indian Territory, December 11, 1903.

Charlie P. Etheridge,

Ohio, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED).

James W. By.

Chairman.

For Identification as a Mississippi Choctaw.

Date APR 26 1902

Name Charlie P. Etheridge,

Age 29 Blood 1/16

Post-Office, Chico, Tex

Father: Wiley P. Etheridge, I

Mother: Martha " I

Claims through father —
Wife, Nannie " l. w.

No claim for wife.

Children:

Mattie Etheridge	10
Roy "	8
Loe "	6
Glenn "	4
Shannon "	2

Claims for self &
children

Photographer G. Rosenmeyer —

Choctaw MCR 5369

Arthur A. Etheridge

See MCR 3676

MCR 5369

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5369

In the matter of the application for identification as a
Mississippi Choctaw of Arthur A. Etheridge.

Applicant not represented by attorney.

Arthur A. Etheridge being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Arthur A. Etheridge.
Q What is your age? A Twenty-four.
Q What is your post office address? A Chico, Wise County, Texas.
Q How long have you lived there? A About near ten or eleven years.
Q Where were you born? A Paris, Henry County, Tennessee.
Q Lived there how long? A Till we moved to Texas.
Q How long is that? A About fourteen years.
Q Is your father living? A Yes, sir.
Q Mother? A Yes, sir.
Q Father's name is what? A Wiley P. Etheridge.
Q What is your mother's name? A Martha Etheridge.
Q Through which parent do you claim Choctaw blood? A Through my father's.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled in any way as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother with you? A No, sir; I have not.
Q Is that to be filed in the application of your father Wiley P. Etheridge? A Yes, I suppose so.
Q He has made application? A Yes, sir.
Q You want that referred to? A Yes, sir.
Q You don't know when he was married? A No, sir; not exactly.
Q Where did he marry? A Parris, Tennessee.
Q By a minister and under a license do you know? A No, sir; I don't know.
Q Are you married? A No, sir.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever appeared before any authority either the United States authority or the Choctaw tribal authority before this application made by you now to become enrolled as a citizen of the Choctaw Nation? A No, sir.

- Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. The object of that treaty was to remove all the Choctaw Indians from the Choctaw Nation, East of the Mississippi River to the Choctaw Nation, Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and therefore in order to protect their interest article fourteen was drafted and put into the treaty of 1830. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section or six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article of that treaty? A Yes, sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A No, sir; I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nancy Powell.
- Q What relation is she to you? A My great grandmother I think.
- Q She married whom? A Lewis Etheridge I believe.
- Q Was he a white man? A Yes, sir.
- Q Did Nancy live in Mississippi in 1830? A I don't know.
- Q Did she live in Alabama then? A I can't tell just the year.
- Q Do you know whether she lived in the old Choctaw Nation East of the Mississippi River in Mississippi or Alabama in 1830 and was she the head of a family there then? A No, sir; I don't know.
- Q How old would she be if living now? A I don't know.
- Q You claim through your father do you? A Yes, sir.
- Q He is how old? A He is fifty-four I believe.
- Q He was born in Tennessee? A Yes, sir.
- Q From Tennessee he went to Texas where he has always since lived? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in the old Choctaw Nation in 1830 or 1831? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A I can't tell you.

The Choctaw Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of this treaty and tell him that they wanted to take advantage of article fourteen by staying there in Mississippi, taking land there and becoming citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his last known as Ward's register? This caused a good many Indians who had land in the old Choctaw Nation to lose both their land and the improvements which they had upon it. Both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, as the result of the complaints Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Qx Do you know whether any of your Choctaw ancestors appeared before either of the Commissions of 1837 or 1842 and claimed benefits under article fourteen of that treaty? A No, sir I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians under the act of Congress approved August 23, 1842, which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they formerly occupied in the old Choctaw Nation and which the government had taken from them and sold? A I don't know.
- Q These certificates were issued to such Choctaw claimants who proved their claims under article fourteen and also proved that they had formerly held land in Mississippi or Alabama and that it had been taken from them by the government and sold. Are you related to William C. Merriman? A He is my cousin.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes.
- Q You want to have his case referred to in this application? A I believe so.
- Q Would you like to have his case and the cases of all of your relatives who have applied to day as Mississippi Choctaws to be considered under one consolidated case? A Yes, sir.

44

The case of William C. Merriman M.C.R. 3676 is here referred to for the purpose of consolidation.

- Q Have you any other evidence you want to introduce now in support of your claim? A No, sir; I suppose not.
- Q Would you like a little time in which to introduce other testimony? A Yes perhaps I can bring up some more.
- Q Would thirty days do? A Yes, sir.

Thirty days time is allowed this applicant in which to introduce other testimony in support of this application if he desires.

- Q Do you speak or understand the Choctaw language? A No, sir I do not.
- Q Is there anything more you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes; dark complexion, somewhat tanned; dark brown hair. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 26, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 15th day of May 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5369

Muskogee, Indian Territory, January 30, 1903.

Arthur A. Etheridge,

Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5369
Flores Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows;

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary

thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Hannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Wannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson, and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dink

Acting Chairman.

Registered.

COPY.

M.O.N. 5369.

Muskogee, Indian Territory, December 11, 1903.

Arthur A. Etheridge,
Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

For Identification as a Mississippi Choctaw.

Date

APR 26 1902

Name Arthur A. Etheridge

Age 24 Blood 1/16

Post-Office, Chico, Tex.

Father: Wiley P. Etheridge

Mother: Martha " —

Claims through father.

~~Children:~~Claims for self
alone

Stenographer G. Rosenwald.

1 Choctaw MCR 5370

Luther R. Etheridge

See MCR 3676

MCR 5370

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5370

In the matter of the application for identification as a Mississippi Choctaw of Luther R. Etheridge.

Applicant not represented by attorney.

Luther R. Etheridge being first duly sworn testified as follows

Examination by the Commission

- Q What is your name? A Luther R. Etheridge.
Q What is your age? A Twenty-one years.
Q What is your post office address? A Chico, Wise County, Texas.
Q How long have you lived there? A About ten or eleven years.
Q You were born where? A I was born in Tennessee.
Q At what time did you go from Tennessee to Texas? A I was about ten or eleven.
Q Your father is living? A Yes, sir.
Q And your mother to? A Yes, sir.
Q Your father's name is what? A Wiley P. Etheridge.
Q Your mother's name is what? A Martha Etheridge.
Q You claim through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of his marriage with your mother here? A No, sir.
Q Can you produce it if given time? A Yes, sir.
Q If it is filed in the case of the application of your father Wiley P. Etheridge for identification as a Mississippi Choctaw do you want it referred to in your case? A Yes, sir.
Q Are you married? A No, sir.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Is this the first application you have ever made to any authority whatever for citizenship in the Choctaw Nation? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A No, sir.
Q Do you understand that article? A No, sir; I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. It was made for the purpose of inducing all the Choctaw Indians to remove from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who preferred to stay back there in the old Choctaw Nation article fourteen was put into the treaty. The treaty was then signed and afterwards ratified on the 24th day of February 1831. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No, sir.
- Q What is the name of your ancestor that you are claiming through? A William Powell.
- Q Well do you know anything about Nancy Powell? A No, sir.
- Q You don't know whether you claim through Nancy Powell or not? A No, sir.
- Q Yes, I claim through her.
- Q Was she a daughter of William Powell? A Yes, sir.
- Q When did she marry? A She married an Etheridge.
- Q Lewis Etheridge? A Yes, sir.
- Q White man? A Yes, sir.
- Q How much Choctaw blood did Nancy Powell have? A I don't know.
- Q Did she live in the old Choctaw nation in Mississippi in 1830? A I don't know.
- Q Did she live in Alabama? A I don't know sir.
- Q You don't know whether she lived in Alabama or Mississippi in 1830 and was the head of a family there then? A Yes, sir.
- Q Do you know that she was? A Yes, I have been told that she was.
- Q In the family? A Yes, sir.
- Q Do you know in what part of the old Choctaw Nation she lived whether in Mississippi or Alabama? A No, sir; I don't know.
- Q Did she comply with article fourteen of the treaty of 1830 in any way? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or 1831? A I don't know sir.

- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know sir.
- Q Did any of your ancestors own any land or claim any in Mississippi or Alabama, in the old Choctaw Nation, under the provisions of article fourteen of the treaty of 1830? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay there in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both, both their land and their improvements were taken from them by the government and sold. This caused so many complaints that in 1837 by act approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and prove or attempt to prove their right under article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty, and if it further appeared that he had had land in Mississippi in the old Choctaw Nation which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands, to replace the land which had been taken from him by the government and sold and that certificates should be given these people to that effect.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know sir.
- Q Who is William C. Merriman; how related to you? A My cousin.
- Q Does he claim through the same common ancestor through whom you claim? A Yes, sir.
- Q You want to have his case referred to and made a part of the record in yours? A Yes, sir.
- Q Also do you want the cases, the applications, of all of your relatives who have appeared before the Commission on this date April 26, to identify themselves as Mississippi Choctaws considered with your application? A Yes, sir.

#4

The case of William C. Merriman, M.C.R? 3676, is here referred to.

Q You want time in which to introduce any other evidence in this case? A I don't know that I need any more time.

Twenty days time will be allowed this applicant in which to introduce other testimony in support of this claim if he desires.

Q Do you speak or understand the Chectaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Black eyes; brown hair; medium dark complexion. He does not understand the Chectaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 26, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 13th day of May 1902.

Charles H. Sawyer
Notary Public.

COPY.

Muskegee, Indian Territory, January 30, 1903.

Luther R. Etheridge,
Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Gera Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5380
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Hattie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter E. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary

thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Fannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Pritchard

Acting Chairman.

Registered.

COPY.

M.C.R. 8370.

Muskogee, Indian Territory, December 11, 1903.

Luther R. Etheridge,

Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED).

James D. Kirby
Chairman.

No. 5370

For Identification as a Mississippi Choctaw.

Date APR 26 1902

Name Luther R. Etheridge.

Age 21 Blood 1/16

Post-Office, Chico, Tex.

Father: Wiley P. Etheridge, Jr.

Mother: Martha ..

Claims through father ———

~~Children:~~

Claims for self alone.

Stenographer G. R. Cunningham

Choctaw MCR 5371

Bennie E. Ward

See MCR 3676

MCR 5371

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5371

In the matter of the application for identification as a
Mississippi Choctaw of Bennie E. Ward.

Applicant not represented by attorney.

Bennie E. Ward being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Bennie E. Ward.
Q What is your age? A I am twenty-four, I believe this Coming
October.
Q Twenty-three now? A Yes, sir.
Q What is your post office address? A Chico, Wise County, Texas.
Q How long have you lived at Chico? A About nine of ten years.
Q Where did you live before that? A In West Tennessee.
Q At what age did you leave West Tennessee? A About fourteen of
fifteen somewhere along there.
Q Went where? A Chico, Texas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know sir.
Q What is your father's name? A rep, J-e-p Ward.
Q Your mother's name is what? A Flora.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctawtribal
authorities or the United States authority in Indian Territory?
I don't know.
Q Are you married? A No, sir.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory? A
No, sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities, the Commission
to the Five Civilized Tribes or the United States Court in
Indian Territory? A No, sir.
Q Is this the first application of any kind you have ever made
for citizenship in the Choctaw Nation to any authority whatever?
A Yes, sir.
Q Do you now come before the Commission to identify yourself as
a Mississippi Choctaw claiming under article fourteen of the
treaty of 1830? A -----

The treaty of 1830 was made between the United States government and the Choctaw Indians and was made for the purpose of the removal of all the Choctaws from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation this article fourteen was put into the treaty for the especial benefit and protection of those Indians who stayed back there. Now this article of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you now? A Yes, sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I don't know.
- Q Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well Etheridge's so far as I know.
- Q Give me the name of the ancestor if you know of any who lived in Mississippi? A I could not do that.
- Q Are you related to William C. Merriman? A He is a cousin of mine; his mother and my mother are sisters.
- Q Well his mother and yours are sisters and he, in the testimony given by him, in his application for identification as a Mississippi Choctaw states that he claims his Choctaw blood through his mother; is that your understanding that you claim your Choctaw blood through your mother? A Yes, sir.
- Q And you so testify, do you not? A Yes, sir.
- Q Now through which parent did your mother claim her Choctaw blood; her father or mother? A I think it was her father but I don't know I could not answer that directly or indirectly.
- Q You think through the father; what was your mother's maiden name? A Flora.
- Q She claims through her father? A Yes, sir.
- Q Did you ever hear that her maiden name was Flora Merriman; was her sisters name Elizabeth? A Yes, sir.
- Q Then your mother's maiden name would be Flora Merriman? A Yes; my mother's maiden name was Etheridge before she was married.
- Q How does it happen that William C. Merriman's mother and your mother were full sisters? A I don't know.

- Q You have been taught any way in the family that your ancestry comes down through the common ancestor; did you ever hear of Nancy Powell? A I have heard something of that name. I have heard talk about it.
- Q What talk did you hear about Nancy Powell? A I just remember hearing in my childhood days.
- Q You heard that Nancy Powell was the ancestor going back in time? A I don't know whether it was Nancy or who it was. I just hear something of it.
- Q Do you claim through the same Choctaw ancestor as the ancestor through whom you get your right as a claimant for identification as a Mississippi Choctaw as the ancestor of William C. Merriman? A Yes, sir.
- Q Whose mother was a sister of your mother? A Yes, sir.
- Q We claim through Nancy Powell but you say you don't know about that? A I don't know.
- Q Do you want the testimony of William C. Merriman who is a cousin of yours and who made application to be identified as a Mississippi Choctaw considered with your case in order that you may get the benefit of his testimony? A Yes, sir.
- Q Do you want the testimony of Wiley P. Etheridge, Nettie Etheridge, Ina Stack, Minnie Etheridge, Charles P. Etheridge, Arthur A. Etheridge, and Luther R. Etheridge taken into connection with yours so that all of these cases may be consolidated together and so that you may get the benefit of the testimony they have given? A Yes, sir.
- Q These are all relatives of yours? A Yes, sir.
- Q How close are some of them? A Wiley P. Etheridge is an uncle of mine.
- Q All the others are cousins? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors received any land or claimed any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir; I do not.
- Q William C. Merriman's case number 3676 at the request of the applicant is here referred to.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation West of the Mississippi River with the other Indians under the treaty of 1830 between 1833 and 1838? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen to go to the United States Indian Agent Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints

among the Choctaw Indians that in 1837 by act approved March 3rd of that year, a Commission was appointed by Congress and that Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know sir.
- Q Have you any documentary evidence that you want to introduce now in support of this claim? A No, sir.

Twenty days time will be allowed this applicant to furnish other testimony if he wishes in support of this claim.

- Q Do you speak Choctaw? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium dark complexion; brown hair. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 13th day of May 1902.

Charles H. Sawyer
Notary Public.

COPY.

Muskogee, Indian Territory, January 30, 1903.

Bennie H. Ward,
Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Good, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Gera Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5380
Charles P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Hattie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Isabel B. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles H. Ward,	M.C.R. 5428
Bennie H. Ward,	M.C.R. 5371
Hattie H. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Haney Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 486) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may at-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin G. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jame Bixby.

Registered.

Acting Chairman.

COPY.

H.C.B. 5371.

Muskogee, Indian Territory, December 11, 1903.

Bennie E. Ward,

Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED)

Tame Dixby
Chairman.

No. 5871

For Identification as a Mississippi Choctaw.

Date

APR 26 1902

Name *Bennie C. Ward*

Age *23* Blood *Don't know*

Post-Office *Chico, Texas,*

Father: *Jep. Ward* *l*

Mother: *Flora "* *l.*

Claims through *mother*

~~Children:~~

*Claims for self
alone*

Proprietor 4 Racemomisk

Choctaw MCR 5372

William J. Wilson

See MCR 3676

MCR 5372

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T., April 26, 1903.

5172

In the matter of the application of William J. Wilson for identification as a Mississippi Choctaw.

No attorney for applicant.

William J. Wilson being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William J. Wilson.
Q What is your age? A Twenty three.
Q What is your post office address? A Chico, Texas.
Q How long have you lived there? A About fourteen years.
Q Where were you born? A West Tennessee; near Paris.
Q And from Tennessee you went to Texas? A Yes sir.
Q What is your father's name? A Jacob Wilson.
Q Is he living? A Yes sir.
Q What is your mother's name? A Nancy Wilson now; it was Edwards?
Q Is she living? A Yes sir.
Q You claim your Choctaw blood through which parent? A Mother.
Q How much Choctaw blood do you claim through your mother? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q Are you married? A No sir.
Q Claim for yourself alone, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

- Q This is the first application you have ever made for enrollment?
A Yes sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A Yes -- No sir; no sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September that year and was made for the purpose of removing all the Choctaw Indians from that old Choctaw Nation, east of the Mississippi River, to the Choctaw Nation Indian Territory, West of the Mississippi River. A good many Indians refused to go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article do you not, well enough to claim under it? A Yes sir.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nancy Powell.
Q That was her maiden name was it? A Yes sir.
Q She married whom? A Lewis Etheridge.
Q He was a white man, wasn't he? A Yes sir.
Q Do you know how much Choctaw blood Nancy had? A I think she was full blood.
Q You have been told so in the family? A Yes, that's what I have always been taught ever since I can remember.
Q What relation was Nancy Powell or Nancy Etheridge to you? A My great great grandmother I believe.
Q You think that's right? A Yes sir.
Q Did she live in Mississippi or Alabama in 1830 and have a family of children there at that time? A In Mississippi; that's what I have been taught.
Q In the old Choctaw nation there? A Somewhere there.
Q Do you know what County? A No sir, I don't.

- Q How old would she be if living now? A I don't know; I have no idea.
- Q You claim through your mother, Nancy Wilson? A Yes sir.
- Q How old is she? A I believe she is thirty eight.
- Q Where was she born? A In Tennessee.
- Q And went from Tennessee where? A To Texas.
- Q And has lived there since? A Yes sir.
- Q And she claimed through whom her father or mother? A Her father.
- Q What was his name? A Jesse Etherid ge.
- Q Where was he born? A I don't know; he died when I was small; (I just remember seeing him.
- Q Whom did he claim through? A I don't know sir; I don't remember.
- Q Did any of your Choctaw ancestors own any improvements or receive any on land in Mississippi in 1830? A No sir not as I ever heard of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A I have heard they did.
- Q Who did you hear went at that time? A I just heard some of the family; I don't know who they were.
- Q You cannot tell? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A If they did I never heard of it.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw nation under article fourteen of the treaty of 1830? A I don't know sir; I never heard.

The Choctaw Indians who stayed in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their lands and improvements they had upon it. This caused so many complaints among the Indians that in 1837 by an act approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress under an act approved August 23, that year, and this Commission went to Mississippi and heard claimants under article fourteen.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of that treaty?
- Q Not as I know of.
- Q Did any of them receive any scrip from the Government which entitled them to hold or claim land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly held

in the old Choctaw nation but which the Government had taken from them and sold? A I don't know sir; never heard.

Q This scrip was issued under an act approved August 23, 1842,.

Q Who is William B. Merriman? A My cousin.

Q He has made application here to be identified as a Mississippi Choctaw? A I understand he has.

Q And also Bennie Ward, who is he? A My cousin.

Q Luther R. Etheridge? A My cousin.

Q Arthur A. Etheridge? A My cousin.

Q Charlie P. Etheridge? A My cousin.

Q Winnie Etheridge? A My cousin.

Q Ines Stack? A My cousin.

Q Nettie Etheridge? A My cousin.

Q And Wiley P. Etheridge? A My uncle.

Q You claim through the same common ancestor through whom they claim

A Yes sir.

Q Do you want to have their cases considered with yours when your application is considered? A Yes sir.

Q Do you speak the Choctaw language? A No sir.

Q Have you any other evidence you want to introduce at this time?

A Well, my mother.

Q She is not here yet? A No sir.

Q You want to have her case considered with yours when she does appear? A Yes sir.

Q What is her name? A Nanny Wilson.

Q Is there anything more you want to state now in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes, medium dark complexion, black hair. He does not speak the Choctaw language and has no knowledge of the compliance of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 26, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed

and sworn to before me this 17 day of May, 1902.

Charles H. Sawyer

Notary Public.

M.C.R. 5372

COPY.

Muskogee, Indian Territory, January 30, 1903.

William J. Wilson,
Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Gora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5380
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Hettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ida Stock, et al.,	M.C.R. 5370
Walter L. Etheridge,	M.C.R. 5371
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5426
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, ~~Charles~~ lie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles F. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 5372.

Muskogee, Indian Territory, December 11, 1903.

William J. Wilson,
Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED).

Chairman.

No. 5372

For Identification as a Mississippi Choctaw.

Date

APR 26 1902

Name

William J. Wilson

Age

23 -

Blood

1/8

Post-Office,

Chico, Texas.

Father:

Jacob Wilson, l

Mother:

Nancy Wilson, l

Claims through

mother.

~~Children:~~

claims for self
alone -

Stenographer

H. M. Hairs -

Choctaw MCR 5373

Edward J. McDade

See MCR 934

MCR 5373

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 26, 1902.

5373

In the matter of the application of Edward J. McDade for the identification of himself and his five minor children, Marion W., Edward J. Jr., Lemuel A., Wina and Mary Brook, as Mississippi Choctaws

Edk Brook attorney for applicant.

Edward J. McDade, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Edward J. McDade.
Q What is your age? A Fifty eight.
Q What is your post office address? A Naughton, Louisiana.
Q How long have you lived there? A Been there since '49.
Q Where did you live before that? A I come from Alabama there.
Q Where did you live in Alabama? A Right on the line of Mississippi in Sumpter County.
Q Did you always live there since your birth? A A Yes sir.
Q And was born in Alabama? A Yes and moved to Louisiana.
Q Is your father living? A No sir.
Q Is your mother? A No sir, she's dead.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q What was your mother's name? A Mary Ann McDade.
Q What was your father's name? A Alex J. McDade; my mother's name was Miller.
Q She never married after she married your father, McDade? A No sir
Q How much Choctaw blood do you claim? A I hardly know that; I reckon about one eighth- from what I can sum up--(lawyer says just about a sixteenth.)
Q Well, do you claim a sixteenth? A Yes sir, I say about a sixteenth.

Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mary McDade.

Q Is she a white woman? That is, she is not Choctaw? A No sir, she is white.

Q Is she living? A Yes sir.

Q You make no claim for her then? A No sir.

Q Now, how many children have you under twenty one years of age and unmarried? A Five.

Q What is the name of the oldest? A Marion W. McDade.

Q How old is she? A He is about eight years and five months.

Q What is the name of the next? A Edward J. Jr.

Q Named after you? A Yes sir; he is seven. That is, he soon will be seven.

Q What is the name of the next? A Lemuel A. Five years old.

Q The next? A Nina a little girl; she's three.

Q Next? A Mary, fifteen months old.

Q You claim for yourself and these children, do you? A Yes sir.

Q Is Mary McDade the mother of these children? A Yes sir.

Q Are you and she living together as husband and wife now and these children living with you at your home? A Yes sir.

Q When and where were you married to your wife? A Louisiana; Bozior Parish. On the 1st February 1893.

Q Can you produce the proof of this marriage? A I can't here; I could if I was at home.

Q You can if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any of the tribal authorities of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you or your children ever been admitted to citizenship in the Dawes Commission by the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application that you have ever made for yourself and children to any authority whatever? A Yes sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Well, I don't know as I understand it.

A treaty is an agreement or compact made between two or more Nations instead of between individuals. Such a treaty as that was made between the United States and the Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th

day of september 1830. The object of that treaty made at that time was to remove all the Choctaw Indians from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, with the other Indians and therefore in order to protect their interests article fourteen was put into the treaty of 1830. That article is as follows: "each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you remember the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw?

A From what I get from history and the records I can find its Pitchlynn; P-i-t-c-h-l-y-n-n.

Q Full name? A Susan Pitchlynn. I think; some give one name and some another and I don't know.

Q Did she or any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know whether they did or not.

Q You understand that article as read and explained, don't you?

A Yes sir.

Q What relation is Susan Pitchlynn to you? A She is a great grandmother. No, she is a grandmother.

Q Your grandmother? A That's the way I understand it. I may be wrong about that but I don't know; I tell you there's some claim that her name was Phyllis; she married W.E. Miller; some says Phyllis and some Susan; I was too young to know either one.

Q Well, you are giving just your knowledge from family history or records as you understand it; do you think it is Susan Pitchlynn, your grandmother? A My great grandmother.

Q Do you know how much Choctaw blood she had? A She was a half breed.

Q Now is Susan Pitchlynn her maiden name or married name? A Married name I think.

Q Do you know the name of her husband? A No sir.

Q Do you know her maiden name? A No sir.

Q Did she live in Mississippi in 1830 72 years ago? A I think she did.

Q Did she have children there then? A To the best of my knowledge she did.

Q Then to the best of your knowledge she was the head of a family in 1830? A Yes sir.

Q But you cannot tell her husband's name? A No sir.

Q How old would she be if living now? A I don't know; she must have been over 100 years old.

Q Do you know where she was born? A No sir.

Q Whether in Mississippi or Alabama or where? A No sir.

Q Ever heard? A No sir.

Q Do you know when she married or where? A No sir.

Q Is your knowledge of the fact that she was married and living in Mississippi in 1830 derived from family history and tradition?

A Yes sir; that's what I do find out.

Q Susan Pitchlynn you say was her married name? A Yes sir.

Q You don't know the name of her father? A No sir.

Q Or her mother? A No sir.

Q Or through which parent she gets her Choctaw blood? A No.

Q You claim your Choctaw blood through your mother? A Yes sir.

Q And she is now dead? A Yes sir.

Q How old was she when she died? A Seventy seven.

Q Now was she born in Mississippi or Alabama? A In Mississippi I think.

Q Pretty sure of that? A Yes sir.

Q What was her father's name? A William E. Miller.

Q What was her mother's name? A Her mother was Phyllis Miller.

Q She claimed through which parent? A Her mother.

Q Well, if she was living and born in 18 seventy seven years ago and living in Mississippi, her mother Phyllis would be her ancestor- wouldn't she? You don't care to go back any farther than that, do you? A No sir.

Q What was Phyllis Miller's husband's name? A William E. Miller.

Q He was a white man? A Yes sir.

Q And they were living in Mississippi in 1830 weren't they, as far as you know? A To the best of my knowledge they was.

Q Well, where was your mother born? A That's a hard question; in Mississippi.

Q And now would be seventy seven years old? A Yes sir.

Q Therefore she was living in Mississippi probably in 1830 and her mother Phyllis Miller and her father was William E. Miller? A Yes sir.

Q And she claims through her mother, Phyllis? A Yes sir.

Q Therefore Phyllis Miller is the Choctaw ancestor through whom

you claim and who lived in Mississippi in 1830 and had a family there then? A Yes sir.

Q And she claimed through whom? A Her mother.

Q Susan Pitchlynn? A Yes sir.

Q That's the married name? A Yes sir.

Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors within six months deem the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation West of the river with the other Indians between 1833 to 1838? A Yes; I think they did.

Q Who went? A I don't know; I don't remember.

Q You don't remember the names? A No; I heard my mother speak about their going.

Q But you never heard who went? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A I don't know whether they did or not? xx

Q Phyllis Miller was your grandmother, was she? A Yes sir.

Q And married William E. Miller? A Yes sir.

Q The Choctaw Indians who stayed back therein the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified intending to become citizens of the United States were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his failure to do this caused a good many Indians who had taken lands in Mississippi and places improvements upon them to lose both for they were taken from them by the Government of the United States and sold at Public Land Sale. This caused a great many complaints among the Choctaw Indians and as a result of the complaints in 1837 by an act approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under that article.

Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or 1842 and claim benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No sir not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly held in the old Choctaw nation and which the Government had taken from them and sold? A Not that I know of.

Q This scrip was issued under an act approved August 23, 1842. Have you any relatives who have been before the Commission claiming the right to be identified as Mississippi Choctaws? A Yes sir.

Q Will you give some of them? What is the principal applicant? A William J. Miller.

Reference is here made to the case of William J. Miller, applicant for identification as a Mississippi Choctaw, M.C.R. 934

Q Do you speak the Choctaw language, Mr. McDade? A No sir.

Q Is there anything further you want to say now in support of your claim? A No sir; that's all I knew.

Q Do you want the testimony of William J. Miller, whose case is No. 934, considered with yours and made part of your application and also all other relatives who claim through the same common ancestor? A Yes sir.

Q Is there anything further that you want to say now? A No sir.
Q What relation are you to Mr. William J. Miller whose number is 934? A He is a cousin.

This applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes, florid complexion, dark brown hair, somewhat gray; sandy mustache a little gray. He does not speak the Choctaw language and had no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830?

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 26, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17th day of May, 1902.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Commission to the Five Civilized Tribes.

Testimony in cases of

Edward J. McDade et al.,	M.C.R. 5373
John F. Alford et al.,	M.C.R. 5374
John W. Hudson et al.,	M.C.R. 5375
Jerry S. Hilman et al.,	M.C.R. 5376
Neal F. McDade et al.,	M.C.R. 5377

Eek Brook, attorney for applicants.

W.J. Miller being called and sworn as a witness in these cases testified as follows:

Examination by the Commission:

Q What is your name? A W.J. Miller.
Q When did you make application to be identified as a Mississippi Choctaw before the Commission? A I can't tell you.
Q It was in Muskogee, here was it? A Yes sir.
Q You made application before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q And the number of your case is 934, is it not? A I believe so, I don't know.
Q Well, William J. Miller is 934. A Yes sir.
Q You have heard these witnesses who have made application here this afternoon have you not? A Yes sir.
Q Are they related to you? A Yes sir.
Q What relation is Edward J. McDade? A Own cousin of mine.
Q Through which side? A On his mother's side. His mother was own sister to my father.
Q What relation is John F. Alford to you? A Own cousin.
Q Just describe the relationship. A His mother was own sister to my father.
Q What relation is John W. Hudson to you? A Second cousin of mine; his mother was a niece of my father's.
Q What relation was Jerry S. Hilman to you? A Second cousin the same way.
Q Neal F. McDade? A The same.
Q How old are you, Mr. Miller? A I am fifty five years old the 22 day of next month.
Q Where is your present post office address? A Roberta, Indian Territory now.

Q Have you changed your post office since you made application to the Commission? A No sir.

Q What is your occupation? A Farmer.

Q What do you know further about these persons whom you have named as relatives having Choctaw Indian blood? A Well, I was raised up with them; knowed them up from infants all the way up and knew their mothers and knew that they was positively blood kin of mine.

Q What do you know about their ancestors, if anything, having lived in Mississippi in 1830? A I don't know; that's farther back than I can recollect; I was born in Mississippi; I am fifty five years old; I was born in Pike County in 1847.

Q Did you know any of their people in Mississippi? A No sir, I can't say positively that I did.

Q You don't know whether their ancestors complied with article fourteen of the treaty of 1830? A No sir, I don't.

Q Do you know whether any of their ancestors within six months after the ratification of the treaty of 1830 went to Col. Ward the United States Indian agent, and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir.

Q Do you know whether any of their ancestors owned any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir, I don't.

Q Did any of their ancestors comply with any of the provisions of article fourteen of the treaty of 1830 in any way to your knowledge? A No sir.

Q You understand that article, don't you, having made claim here? A Yes sir.

Q And you know exactly what it required and what was to be done under it? A Yes sir.

Q You don't know whether any of their ancestors did do that or not? A No sir, I can't say.

Q Or whether their ancestors owned or claimed any improvements on land in Mississippi or Alabama in 1830? A No sir, I can't; some were born in Alabama and some in Mississippi; I know that the biggest part of them came from Pike Mississippi and then to Alabama and then to Louisiana; and I have been in the Territory 28 years; and have been always in Texas and Louisiana.

Q What's about all you can testify to then in relation to these applicants; you want to show their kin-ship to you? A Yes sir.

By Eek Brook:

Q According to your information and belief Susan Pitchlynn lived in Pike County, Mississippi in 1830? A Yes sir.

Q You may state her relationship to you and also what percent of Choctaw blood she had. A Well, it's my understanding between full-bloods and relations and all that this Susan Pitchlynn was full-blood.

Q You understand she was full blood? A Yes, I understand it from relations a good deal older than me; my father and mother and others talked about it; and some full bloods.

Q Then taking all these applicants and yourself you tell the Commission that you are related by blood to Susan Pitchlynn? A Yes sir.

Q That's all.

(Comes now Frook & Brook, attorneys for applicant and moves the Commission to grant a reasonable time in which to file marriage cer-

ificate of applicants and any other testimony that they may see fit to offer- any further proper evidence that might be deemed necessary in the premises. Granted.)

(Witness excused.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony on April 26, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17th day of May, 1902.

Charles McManis

Notary Public.

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5373.

Muskogee, Indian Territory, January 22, 1903.

Edward J. McDade,

Haughton, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Olliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forrest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Olliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Chera V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.
Acting Chairman.

Registered

MCR-5373

COPY

Muskogee, Indian Territory, April 18, 1907.

Edward J. McDade,
Haughton, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *James Bixby*,
Commissioner.

For Identification as a Mississippi Choctaw.

Date APR 26 1902

Name Edward J. McVade.

Age 58, Blood 1/16

Post-Office, Natchaughton, La.

Father: Alex J McVade, d

Mother: Mary Ann " d

Claims through mother.

wife. Mary McVade, w. l.
No claim for wife -

Children:

Marion	W. McVade	8
Edward J.	" Jr.	7
Lemuel A.	"	5
Stina	" F	3
Mary	" "	18m

Claims for self &
children

Photographer

W. M. Wain

Choctaw MCR 5374

John F. Alford

See MCR 934

MCR 5374

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. April 26, 1902.

5374

In the matter of the application of John F. Alford for the identification of himself, his wife, Anna Bell Alford, and his four minor children, James W., Robert Drue, Willie Neil and Katie Eva Alford, as Mississippi Choctaws.

Edk Brook attorney for applicant.

John F. Alford being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John F. Alford; A-l-f-o-r-d.
Q What is your age? A I am fifty seven years old.
Q What is your post office address? A Haughton, Louisiana.
Q How long have you lived there? A All my life. I came there in '49 but then there was four years of that time I lived all over the United States.
Q Where were you born? A In Alabama.
Q What place in Alabama? A Sumpter County.
Q And from there you went where? A I think to Mississippi.
Q Where did you live in Mississippi? A I can't tell you that.
Q From Mississippi you went where? A To Louisiana.
Q Did you live in Haughton, Louisiana, all that time? A No sir.
Q Different places in Louisiana? A Yes, I lived a while in Texas.
Q How long did you live in Louisiana that time? A I lived there I reckon some twenty five or thirty years.
Q In different places in Louisiana? A Yes sir.
Q Then you went where? Or did you go anywhere? A No sir; I stayed there.
Q Then for twenty five or thirty years last past you have lived in Louisiana? A Yes, I suppose so.
Q Well, you ought to know. A Well, all right.
Q If you don't know, say so. A Well, I don't know exactly how many years I lived there.
Q Well, did you live there twenty or thirty years? A Well, I lived there and around there from '49.
Q What is your father's name? A J.W. Alford.
Q Is he living? A No sir.

Q What is your mother's name? A Isabell Alford.

Q Is she living? A No sir.

Q You claim your Choctaw blood through which parent? A Through my mother.

Q How much Choctaw blood do you claim? A I suppose about one sixteenth.

Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities in the Indian Territory or United States Courts in Indian Territory? A Not that I know of.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q White woman or Indian? A White woman.

Q What is her name? A Anna Bell.

Q Do you make any claim for her as having any Indian blood? A Yes sir.

Q Did her ancestors as Choctaw Indians live in the State of Mississippi? A Yes sir.

Q When you wish to make application for your wife, Anna Bell Alford as having Choctaw Indian blood and having had an ancestor who lived in the State of Mississippi? A Yes sir.

(Attorney for applicant says he married a cousin.)

Q What was her father's name? A Frank McDade.

Q Is he living or dead? A He is dead.

Q Did he have Choctaw blood? A Not that I know of.

Q What was the mother's name? A Sarah McDade.

Q Is she living? A No sir.

Q Did she have Choctaw blood? A Yes sir.

Q How much? A About a sixteenth.

Q How much Choctaw blood do you claim for the wife, Anna Bell Alford, then? A -

Q You claim one half of one sixteenth, don't you? A I suppose so.

Q That would be one thirty second; do you claim that? A Yes sir.

Q How many children have you that you wish to make application for who are descended from you and your wife, Anna Bell Alford? A --

Q Under age and unmarried? A There is four.

Q You have no children by any other wife? A No sir.

Q Give me the name of the eldest? A James W. Alford.

Q How old is James? A He is sixteen.

Q Next? A Robert Drew Alford.

Q How old? A Thirteen.

Q Next? A Willie Neil Alford.

Q Boy? A Yes sir; six years old.

Q Next? A Katie Eva.

Q How old? A She is eight.

Q Is that all you want to make application for, these eight? A Yes sir.

Q Is your wife, Anna Bell Alford, the mother of these children? A Yes sir.

Q And you are the father? A Yes sir.

Q You and your wife live together as husband and wife? A Yes sir.

Q And these children live with you at your home? A Yes sir.

Q Have you proof of your marriage with your wife with you at the present time? A No sir.

Q Can you introduce it later? A Yes sir.

Q How much Choctaw blood do you claim for these children? A I am not much at figuring; I am a sixteenth and from my wife a thirty second.

Q Can you figure it out? A No sir, I can't.

Q You claim 3/64 for the children, then, don't you? A Yes sir.

Q Is your name or the name of your wife or children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?

A No sir; not that I know of.

Q Have you or your wife or children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you or your wife or children ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you or they made application for citizenship before this to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation with your wife and children by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation? A Yes sir.

Q Do you now come before the Commission for to be identified as Mississippi Choctaws with your wife and children claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't know sir.

Q You have heard it read and explained a number of times? A Yes sir.

Q Do you want another explanation of it? A No sir.

Q Without the explanation the article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article of that treaty? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A No sir, not that I know of.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Pitchlynn.

- Q Give the full name? A I think it is Phyllis; Phyllis Miller.
Q Phyllis Miller? A Yes sir.
Q How much Choctaw blood did she have? A Half breed I have been told.
Q Was she your grandmother? A Yes sir.
Q And she married whom? A William E. Miller.
Q A white man? A Yes sir.
Q Did she live in Mississippi and Alabama in 1830? A I have been told she did.
Q Did she have children there then? A Yes sir.
Q She was the head of a family there then was she in the old Choctaw nation in that part of it in Mississippi in 1830? A I have been told that.
Q It is a matter of family history and tradition? A Yes sir.
Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, in the old Choctaw nation, take land there and become citizens of the States? A Not that I know of.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw nation Indian Territory between 1833 to 1838? A I have been told that; I don't know.
Q Do you know who went? A No sir.
Q Don't know anything about it? A No sir.
Q Nor where they located? A No sir.
Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw nation under article fourteen of the treaty of 1830? A I don't know that.

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory with the other Indians were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty of 1830 and tell him that they wanted to take advantage of it, stay there in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; this failure to do this by the United States Indian agent caused a great many Indians who held land in Mississippi upon which they had improvements to lose both their land and their improvements; they were both taken from them by the Government and sold. This caused a great many complaints among the Choctaw Indians and as a result of these complaints Congress in 1837 by an act approved March 3, that year, appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose by an act approved August 23, that year, and this Commission went to Mississippi and heard claimants under that article.

- Q Did any of your Choctaw ancestors go before either of these Com-

missions and claim benefits as Choctaw Indians under that article of that treaty? A Not that I know of.

Q What is the name of any relatives of yours who has been before this Commission here to be identified as Mississippi Choctaws?

A There has been several: William J. Miller was.

Q What relation was he to you? A First cousin.

Q Others have been before the Commission? A Yes sir.

Q Remember the names of any? A Edward J. McDade is one, isn't he?

A Yes sir.

Q What relation is he to you? A First cousin.

Q His number is 5373, isn't it, just before you? A Yes sir.

The case of William J. Miller, M.C.R. 934 is here referred to as a part of the application in this case.

Q Do you want to have this case of William J. Miller and all others considered with yours and consolidated in order that you may get the benefit of others testimony where you claim through the same common ancestor? A Yes sir.

Q Do you want to have any further testimony introduced now or any other proof at the present time? A None that I know of.

Q Do you want any time in which to introduce any other evidence in support of this application? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to state in support of your claim? A None that I know of.

Q (Any questions, Mr. Brock?-- he asks if William J. is now present in Court. Someone says "yes".)

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion, now sunburned, brown hair and reddish brown mustache; he has no knowledge of the Choctaw language and no knowledge of the compliance by any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn testified as follows on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 26, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of May, 1902.

Charles H. Hays

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5374.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

John F. Alford,
Haughton, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R	934
Pearl Barnett, et al.,	M C R	3819
Cordelia Wheless, et al.,	M C R	3382
Emma Wheless,	M C R	3383
Austin Miller, et al.,	M C R	3381
Hattie Bettes, et al.,	M C R	4752
Carrie E. Alderson,	M C R	4938
Julia D. Alderson, et al.,	M C R	4937
Iva Moore, et al.,	M C R	4939
Lula Sims, et al.,	M C R	4943
Alice Teague, et al.,	M C R	4956
Lillian Arledge, et al.,	M C R	4957
Zella Arledge, et al.,	M C R	4961
Sarah Adams, et al.,	M C R	4955
Marvin H. Adams,	M C R	4962
Lena Broom, et al.,	M C R	4940
Nancy I. Locke, et al.,	M C R	4930
Nancy Daniel Locke Goodman.	M C R	4942
Richard H. Locke,	M C R	4932
John M. Locke, et al.,	M C R	4934
Mary Elizabeth Locke,	M C R	4933
Thomas Clay Locke, et al.,	M C R	4931
Edward J. McDade, et al.,	M C R	5373
Joseph L. McDade, et al.,	M C R	4958
Martha L. Platt, et al.,	M C R	4936
Mattie White, et al.,	M C R	4941
Orrin F. Platt,	M C R	4985
Alexander J. McDade, et al.,	M C R	4949
Exer Mand Guss, et al.,	M C R	4950
Leona T. McDade,	M C R	4945
Jerry S. Hilman, et al.,	M C R	5376
John F. Alford, et al.,	M C R	5374
Dorset E. Alford,	M C R	4944
John W. Hudson, et al.,	M C R	5375
Neal F. McDade, et al.,	M C R	5377
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Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Layfutte Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrieh J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

WCHM

Registered

Tams Bixby.
Acting Chairman.

MCR-5374

COPY

Muskogee, Indian Territory, April 18, 1907.

John F. Alford,

Haughton, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Wams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw

Date

APR 26 1902

Name

John T. Alford.

Age

57

Blood

1/16

Post-Office,

Haughton, La.,

Father:

J. W. Alford.

d

Mother:

Isabell "

d

Claims through

wife, mother

Anna Bell " 1/32. ~~Choc~~

father, Frank McLeod d.

mother, Sarah " d. 1/16 ~~Choc~~

Claims 1/32 thro' mother.

Children:

James W. Alford d. 16.

Robert Reeves " 13

Willie & Neil " 16. ~~Choc~~

& Katie Eva " 8

Claims 3/4 for children.

Claims for self &

4 children & wife.

Stenographer

H. G. Hains.

Choctaw MCR 5375

John W. Hudson

See MCR 934

MCR 5375

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5375

In the matter of the application of John W. Hudson for the identification of himself and his six minor children, John Wesley, James Forest, Reece Linn, Fannie Leslie, Leon Applis and Jessie May Hudson, as Mississippi Choctaws.

Eak Brook, attorney for applicant.

John W. Hudson, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Hudson.
Q What is your age? A Forty seven.
Q What is your post office address? A Minden, Louisiana.
Q How long have you lived in Minden? A Forty two years in Louisiana.
Q Always lived in Louisiana? A Always except five years in Texas and then I went back there.
Q For the years last past principally how long have you lived in Louisiana? A About thirty years I believe.
Q What is your father's name? A John W. Hudson.
Q Is he living? A No sir, dead.
Q Is your mother living? A No sir.
Q What was her name? A Harriet O. Hudson.
Q You claim through which parent? A My mother.
Q How much do you claim; how much Choctaw blood? A My mother was about one sixteenth; I claim about one thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a white woman or Choctaw Indian? A White woman.
Q What is her name? A Ida V. Hudson; Benton was her maiden name.
Q You don't make any claim for her then? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes, six.

Q What is the name of the eldest? A John Wesley Hudson.
Q All are your children? A Yes sir.
Q How old is John? A Twenty.
Q The next? A James Forest.
Q How old? A Eighteen.
Q The next? A Reece Linn Hudson.
Q How old? A Sixteen.
Q Next? A Fannie Leslie.
Q How old? A Fourteen.
Q Next? A Leon Applis Hudson.
Q How old? A Ten.
Q Next? A Jessie May Hudson.
Q Boy? A Girl.
Q Age? A Eight years.
Q Next? A That's all.
Q You claim for yourself and these minor children, don't you? A Yes sir.
Q Is Ida V. Hudson the mother of these children? A Yes sir.
Q And you are the father of all of them? A Yes sir.
Q And they all live with you and your wife at your home? A Yes sir.
Q When and where were you married to your wife, Ida W. Hudson?
A In Webster Parish, La. near Linden, on the 24th October, 1878.
Q Have you proof of that marriage with you now? A Yes sir.
Q Is that the original or the copy? A That's the original certificate.
Q Do you want to introduce this now and make it part of your case?
A Yes sir.

Original marriage license and certificate of the marriage of John W. Hudson and Miss Ida V. Burton presented by this applicant, received, filed, marked Exhibit "A", and made a part of the record in this case.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw nation by the Choctaw tribal authorities in the Indian Territory? A B- No sir.
Q Have you ever made application for yourself and children to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to any authority before the present time for yourself and children to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Not exactly.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi. You understand what a treaty is, don't you? A Yes sir.

It is an agreement between Nations instead of people. Such a treaty was made at that time on the 27th day of September 1830 for the purpose of removing the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed- on the 27th day of September- 1830 it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty and then the treaty was signed and afterwards became ratified on the 24th day of February, 1831; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty? A No sir.

Q You understand it do you? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Pitchlin was her maiden name.

Q Who was Phyllis Miller? A My understanding is that she was a Phyllis; that has been testified to -

Q But it has been testified to that Phyllis Miller married a William E. Miller. A That's my understanding; I don't know of my own knowledge.

Q Well, then her father must have been a Miller--A Well, Phyllis Pitchlynn married a Miller I understand it. My understanding is that Phyllis Pitchlynn married William E. Miller.

Q Well, that's not the way the testimony heretofore was given; she might have been a Pitchlynn. A Well, my understanding is that Phyllis Pitchlynn married William E. Miller.

Q A white man? A That's my understanding.

Q And Phyllis Miller had how much Choctaw blood? A I don't know.

Q Did she live in Mississippi in 1830? A That's my understanding; its just hear-say.
 Q That is in the family? A Yes sir.
 Q Handed down in the family? A Yes sir.
 Q Family hearsay and tradition, isn't it? A Yes sir.
 Q Do you know whether Phyllis Pitchlynn or Phyllis Miller, as she became afterwards, spoke the Choctaw language or had a Choctaw Indian name? A I don't know.
 Q How old would she be if living now? A I don't know.
 Q Did your mother live in Mississippi or Alabama? A I don't know. They came from Alabama I think.
 Q Used to live in Alabama? A Yes sir.
 Q Where did she remove to when she came from Alabama? A To Louisiana and she died there
 Q How old was she when she died? A Thirty eight years old.
 Q You don't know when she was born? A Yes; 17th February, 1830.
 Q She claimed through which parent, father or mother? A Mother.
 Q What was her name? A Eliza Ann Miller, was her maiden name.
 Q And she married whom? A W.S. Edwards.
 Q And where did she live and die? A In Louisiana and died there.
 Q She claimed through which parent, father or mother? A She was a Miller- she claimed through the father I guess.
 Q And his name was what? A Miller; I don't know his first name.
 Q What relation was William E. Miller to her- to Eliza Ann Miller?
 Q I don't know; I just know she was a Miller.
 Q I am trying to trace your ancestry back to William E. Miller who married Phyllis Pitchlynn; can you give the relationship back?
 A No sir; as far as I know is that my grandmother's name was Miller.

By attorney, Eck Brook:

Q You rely upon statements made by other relatives rather than your own, don't you? A Yes sir.

By the Commission:

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ward, at his office or agency in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States-- that they wanted to stay in the old Choctaw nation? A I don't know.
 Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw nation, Indian Territory, West of the Mississippi River with the other Indians between 1833 to 1836 or 1840? A I don't know; my grandfather and grandmother and my mother came from Alabama out West to Louisiana.
 Q When did they come to the Indian Territory? A They never came.
 Q Well, that's what I asked. A No sir, they never come to the Indian Territory; they went to Louisiana.
 Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?
 A Not that I know of.

The Indians who remained in the old Choctaw nation in Mississ-

issippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty

to go the United States Indian agent, Col. Ward within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register and his failure to do so caused a great many Indians who had land in Mississippi upon which they had improvements to lose both land and improvements, both were taken from them by the Government and sold at Public Land Sale. Because of this injustice on account and on the part of the Government's officers, complaints were made by the Indians and as a result of those complaints in 1837, March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23, that year, and this Commission also went to Mississippi and heard claimants under that article.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or that of 1842, and claimed benefits under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government or certificates which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they had formerly held in the old Choctaw nation and which had been sold from them by the Government? A I don't know.

Q What relation was William J. Miller to you? A Cousin.

Q Do you want to have his case referred to in your application? Identified with his? A Yes sir.

Q And also John F. Alford? A Yes sir.

Q And Edward J. McDade? A Yes sir.

The case of William J. Miller is here referred to, No. 934 for the purpose of consolidation of these cases.

Q Have you any other proof that you want to introduce at this time?

A No sir; only I would like to have William J. Miller heard as a witness in this case.

Q You don't care for any further time in which to introduce further evidence? A No sir, not that I know of.

Q You don't speak or understand the Choctaw language, do you?

A A little, but not enough to talk it.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, ruddy complexion, dark brown hair- almost black- dark brown mustache. He has no knowledge of the Choctaw language to amount to anything, (says he used to sell goods to them in Texas)- and has no knowledge of the

compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 26, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5375.

Muskogee, Indian Territory, January 22, 1903.

John W. Hudson,

Minden, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Guss, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Mider, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Albee Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Barta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Ola McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Ida McDade, Patrieh J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

ABIGNED

Registered

Tams Bixby.
Acting Chairman.

WCR-5375

COPY

Muskogee, Indian Territory, April 18, 1907.

John W. Hudson,
Minden, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

Tams Bixby.
Commissioner.

For Identification as a Mississippi Choctaw.

Date

APR 26 1907

Name

John W. ~~Hudson~~ (Hudson)

Age

47

Blood

~~4/16~~

1/32

Post-Office.

Meriden, La.

Father.

John W. Hudson. d

Mother.

Harriet C. " d

Claims through mother

wife.

Ida V. Hudson, l.w.

No claim for wife.

Children:

~~May C. Hudson~~

John Wesley Hudson, 20

James Forest " 18

Reece Linn " 16

Fannie Lurie " 14

Leon Applis " 10

Jessie May " 8

Claims for self &

6 minor children

Claims for self & 6

minors. A. G. Harris

Stenographer

Choctaw MCR 5376

Jerry S. Hilman

See MCR 934

MCR 5376

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 26, 1902.

5376

In the matter of the application of Jerry S. Hilman for the identification of himself and his three minor children, Willie Ab, Carrie Stiles and Fannie Virginia Hilman, as Mississippi Choctaws.

Eck Brook, attorney for applicant.

Jerry S. Hilman, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jerry S. Hilman.
Q What is your age? A Forty three.
Q What is your post office address? A Minden, Louisiana.
Q How long have you lived there? A A little over a year in February
Q Where were you born? A In Bozior Parish, in '59 in Louisiana; I
have lived in Louisiana all my life.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A Absalom S. Hilman.
Q What was your mother's name? A Sarah Ann Hilman.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A About one thirty second.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw tribal
authorities or the authorities of the United States in the Indian
Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Is your wife living and a white woman? A Yes sir.
Q What is her name? A Lizzie Georgia Hilman.
Q You make no claim for her then? A No sir.
Q Have you any minor children you want to apply for? A Yes sir.
Q What is the name of the eldest? A Willie Ab Hilman.
Q A boy? A Yes sir.
Q How old is he? A Seventeen.
Q The next? A Carrie Stiles Hilman.
Q What age? A She is fifteen.
Q The next? A Fannie Virginia Hilman.
Q How old is Fannie? A Thirteen.
Q Next? A That's all.

- Q You claim for yourself and three children? A Yes sir.
Q Is your wife, Lizzie, the mother of these children? A Yes sir.
Q And are you and she and these children living together at your home? A Yes sir.
Q Were either of you married before? A No sir.
Q Have you proof of your marriage here? A No sir.
Q Can you introduce it later? A Yes sir; its on record at Minden.
Q How much time do you want--? A Just as soon as I can get home.
Q Fifteen days? A Yes sir.

Fifteen days time is allowed in which to do so.

- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir; nt that I know of.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation for yourself and children by the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted by the Dawes Commission for citizenship in the Choctaw Nation for yourself and children at any time up to the present application? A No sir.
Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? Have? you? A A No sir.
Q Do you now come before this Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I think I do.
Q Do you care for a further explanation? A No sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the nhead of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article of that treaty? A Yes, I think I do.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Susan Pitchlynn

Q Who is she? A She is my great grandmother I think.

Q Did she live in Mississippi in 1830? A I have been told so.

Q Have a family of children there then? A Yes sir.

Q Who is Phyllis Miller? A My grandmother.

Q Susan Pitchlynn's daughter? A Yes sir.

Q Did she live in Mississippi in 1830? A I understand that.

Q And have a family of children there then? A Yes sir.

Q How much Choctaw blood did she have-- Phyllis Miller? A A half I think.

Q You claim, then that Susan Pitchlynn and her daughter, Phyllis Miller, both lived in Mississippi in 1830 and had families there then? A I have been taught that.

Q Then you would claim through the Choctaw ancestor who was the head of a family who was nearest to you? A Yes sir.

Q What is Phyllis Miller? A Yes sir.

Q Was William E. Miller a white man? A Yes sir.

Q And they both lived there in 1830- William E. Miller and his wife, Phyllis Miller? A Yes sir.

Q Do you know where Phyllis Miller died? A No sir.

Q Nor how old she would be if living now? A No sir.

Q You claim through your mother, don't you? A Yes sir.

Q Did she live in Mississippi or Alabama? A She lived in Mississippi and went from there to Alabama.

Q How old would she be if living now-- Sarah Ann Hilman? A She would be about seventy eight years old.

Q And was she born in Mississippi? A Yes sir.

Q What was her maiden name? A S.A. Dickenson.

Q Her mother's name was what? A Catherine Dickinson.

Q Did she claim through her mother or father? A Mother.

Q What was the husband's name- Catherine Dickinson's husband? A Ephram- I reckon-- Dickinson.

Q White man? A Yes sir.

Q Married Catherine Dickinson? A Yes sir.

Q And her maiden name was what? A She was a Miller.

Q The daughter of Phyllis and William E. Miller, was she? A Yes sir.

Q But Catherine was born, was she, in Mississippi? A Yes, I don't when; that's my mother's age I know.

Q Therefore the ancestor through whom you claim your right to be identified who was the head of a family in Mississippi in 1830 was Catherine Dickinson, is it? A Yes sir.

Q It's not the distance back you can go for Choctaw blood; it's the ancestor you can find who lived in the old Choctaw Nation in 1830 and who had Choctaw blood and who had a family there then, you see.

A Yes sir.

Q Well, Catherine Dickinson is the one that you are claiming through as being the head of a family in the State of Mississippi in the old Choctaw Nation in 1830? A That's my great grandmother was a Pitchlynn.

Q Let me ask you again. You claim through your mother- whose maiden name was Dickinson- Sarah Ann Hilman? A Yes sir.
Q And her mother's name was Catherine Dickinson? A Yes sir.
Q And she married Ephram Dickinson? A Yes sir.
Q And Catherine had the Choctaw blood? A Yes sir.
Q And they had a daughter who was your mother, Sarah Ann; is that right? A Yes sir.
Q And Sarah Ann was born in Mississippi about seventy five years ago is that right? A Yes sir.
Q Now, did any of your Choctaw ancestors own or claim any improvements on land in the old Choctaw Nation in 1830? A Not that I know; I don't know.
Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A Not that I know of.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi or Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States: a great many Indians- Choctaws, did this whose names Col. Ward, the United States Indian agent, neglected to put upon his list known as Ward's register, and his neglect to do this caused a good many Indians who had lands in Mississippi upon which they had improvements to lose both- for they were taken from them by the Government and sold at Public Land Sale. This caused a great many complaints among the Choctaw Indians living in the Choctaw nation, especially among those who had their lands taken from them and sold and as a result of the complaints made, Congress appointed a Commission which went to Mississippi and heard claimants in 1837 under article fourteen of the treaty of 1830, and in 1842 another commission was appointed by Congress for the same purpose and it also went to Mississippi and heard claimants under that article.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians? A I have no knowledge of it.
Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians or certificates as they would be called now? A No sir.
Q Which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they had formerly held in the Choctaw nation and which the Government had taken from them and sold? A No sir, not that I know of.
Q What relation was William J. Miller to you? A Second cousin.

Q Do you want to have his case taken in connection with yours and other relatives who have made application here today and through those claiming through the same common ancestor? A Yes sir.

The case of William J. Miller- 934- is here referred to for the purpose of consolidation.

Q Have you any further evidence that you want to introduce at this time? A Nothing except being identified as second cousin of William J. Miller, here himself in Court; I wanted to call him.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark gray eyes, ruddy complexion, dark brown hair: He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 26, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17th day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5376.

Muskogee, Indian Territory, January 22, 1903.

Jerry S. Hilman,
Winden, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Mand Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,	M C R 4946
Virginia E. Nix, et al.,	M C R 6304
Charlie A. Hilman,	M C R 6311
Julia Compton, et al.,	M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Olliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sandford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Louie Violier Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Olliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Lula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patricia J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Registered

James D. Smith
Acting Chairman.

MOR-8376

COPY

Muskogee, Indian Territory, April 18, 1907.

Jerry S. Hilman,
Minden, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

APR 26 1902

Name *Jerry S. Hilman*Age *43* Blood *1/32*Post-Office, *Minden, La.*Father: *Abraham S. Hilman* dMother: *Sarah Ann* " dClaims through *mother's*
wife *Lizzie S. Hilman* l. w.*No claim for wife,*

Children:

<i>Willie Ab. Hilman</i>	<i>(M)</i>	<i>17</i>
<i>Carrie Stiles</i>	<i>"</i>	<i>15.75</i>
<i>Fannie V.</i>	<i>"</i>	<i>13</i>

Claims for self &
3 children

Choctaw MCR 5377

Neal F. McDade

See MCR 934

MCR 5377

Department of the Interior.
Commission to the five civilized tribes.
Muskogee, I.T. April 26, 1902.

5377

In the matter of the application of Neal F. McDade for the identification of himself and his three minor children, Boida E., Neal F. Jr., and Inda McDade, as Mississippi Choctaws.

Rok Brook, attorney for applicant.

Neal F. McDade being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Neal F. McDade.
Q What is your age? A Thirty six.
Q What is your post office address? A Haughton, La.
Q How long have you lived there? A Around there about fifteen years.
Q Where were you born? A Bozler parish, Louisiana.
Q Did you always live in Louisiana? A Except eight years in Texas.
Q What eight were these? A I moved to Texas in '73 and moved back in '81.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A Same as mine; Neal F. McDade.
Q And your mother's name was what? A Sarah E. McDade.
Q Through which parent do you claim Choctaw blood? A My mother's side.
Q How much do you claim? A A sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q White woman or Choctaw Indian? A White woman.
Q What is her name? A Rosa A. McDade.
Q Do you claim for her? A No sir.

- Q How many minor children have you? A Three
 Q What is the name of the oldest? A Boida E.
 Q How old is she? A Nine years old.
 Q The next? A Neal F. Mcpade, Jr.
 Q How old? A Four years old.
 Q The next? A Inda McDade.
 Q How old? A Seventeen months.
 Q You claim for yourself and these three children? A Yes sir.
 Q Is Rosa A. Mcpade the mother of these children? A Yes sir.
 Q Is she living with you at your home with these children? A Yes sir.
 Q Were you ever married before? A No sir.
 Q Was she ever married before? A No sir.
 Q Is your name or the name of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
 A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever made application before this time to any authority for citizenship for yourself and children? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
 Q Do you now come before this Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A No sir.
 Q You have heard it explained how many times today? A I can't hear very good.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing rabbit creek on the 27th day of September, that year, and was made for the special purpose of removing all the Choctaw Indians from the old Choctaw nation East of the Mississippi River to the Choctaw nation, Indian Territory. Before the treaty was signed in September 1830, it became known that a good many Choctaw Indians would refuse to go to the Choctaw nation Indian Territory and in order to protect their interests and preserve their rights article fourteen was put into the treaty. It then was signed and ratified. That treaty is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent? If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the

head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A No sir; not as I know of.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My second great grandmother; its my great great grandmother; some says she is Phyllis Pitchlynn and some says Susan Pitchlynn. I don't know whh h; I don't know anything about it myself.

Q Where did she live? A I suppose she come from Mississippi; I don't know anything about it myself.

Q When did she live in Mississippi? A I don't know.

Q Did you ever hear about Phyllis Miller who married William E. Miller? A She was my great grandmother.

Q You remember hearing of her in the family? A Yes sir.

Q And she married whom? A William E. Miller.

Q Was she the daughter of this Phyllis Pitchlynn you speak of?

A That's what I always tought she was.

Q Did Phyllis Miller who married William E. Miller live in Mississippi in 1830 and was she head of a family there then? A I suppose so.

Q You have been taught that in the family? A Yes sir.

Q You believe it, do you? A Yes sir.

Q You will always believe this as a matter of family history?

A Yes sir.

Q Did she speak the Choctaw language? A I don't know sir.

Q Did she have a Choctaw Indian name? A I don't know that.

Q How old would she be if living now? A I don't know.

Q You claim through which parent? A Mother.

Q What was your mother's maiden name? A Sarah Elizabeth Phyllis Edwards; she married Mcpade.

Q Did she claim through her mother or father? A Mother.

Q And what was her mother's maiden name? A Eliza Edwards; she was Miller before she married.

Q And she claimed through whom? A Her mother.

Q And what was her name? A I don't know her name.

Q Phyllis Miller? A It must have been.

Q You think it was, but don't you know? A I don't really know.

Q That's as far back as you can go, is it? A Yes sir.

Q Did any of your Choctaw ancestors own any land or improvements on land in Mississippi or Alabama in 1830? A I don't know sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward who had an agency in Mississippi at that time and tell him that they wanted to stay in Mississippi take land there and become a citizen of the states? A I don't know sir; not as I know of.

Q Did any of your Choctaw ancestors own any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not as I know of.

The Choctaw Indians who stayed back there in the Choctaw Nation

in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register; his neglect to do this caused many Indians who had land in Mississippi upon which they had improvements to lose both lands and improvements for they were taken from them by the Government and sold at Public Land Sale; this caused a great many complaints among the Choctaw Indians so that in 1837 by an act approved March 3 that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 another Commission was appointed for the same purpose by an act approved August 23, that year, and this Commission also went to Mississippi, and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under that article of that treaty? A Not as I know of.

Q Did any of your Choctaw ancestors under the provisions of the act of Congress approved August 23, 1842, receive any benefits as Choctaw Indians or any scrip from the Government which we would call certificates which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they claimed they had owned formerly in the old Choctaw nation and which the Government had taken from them and sold at Public Land sale.

A Not as I know of.

Q Have you any documentary evidence you want to introduce at this time in support of your claim? A --

Marriage license and certificate of the marriage of Neal F. McDade Jr.--

Q That's your name, is it? A Yes sir.

--and Miss Rosa A. Lipscomb--

Q That's the wife whose name you have given here? A Yes sir.

D- is presented here by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

Q Have you any other evidence you want to introduce at this time? A No sir.

Q Do you care for any time in which to introduce anything further in this case? A Well, I want mine to go like the balance.

Q Would you like to have the cases all considered together? A Yes sir.

Q What connection or relation is William J. Miller to you? A Second cousin.

Q He has made application here to be identified as a Mississippi Choctaw? A Yes sir.

The case of William J. Miller is here referred to by this applicant as a case he desires (934) to be consolidated with his own; and also the cases of Jerry S. Hilman, 5376; John W. Hudson, 5375; John Alford, 5374; Edward J. McDade, 5373

Q These cases you would also like to have consolidated with yours, wouldn't you not? A Yes sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say now in support of your claim? A No sir.

Q Anything you want to say, Mr. Brook? A I believe that's all.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark brown hair, and light brown mustache, sun-burnt complexion; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on April 26, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17th day of May, 1902.

Charles McHenry

Notary Public.

COPY!

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5377.

Muskogee, Indian Territory, January 22, 1903.

Neal F. McDade,

Haughton, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
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Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,	M C R 4946
Virginia E. Nix, et al.,	M C R 6304
Charlie A. Hilman,	M C R 6311
Julia Compton, et al.,	M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 195) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Berta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,



Registered

Tams Bixby.
Acting Chairman.

NCR-5377

COPY

Muskogee, Indian Territory, April 14, 1907.

Neal W. McDade,
Houghton, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1906, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED

Cams Bixby,
Commissioner.

For Identification as a Mississippi Choctaw.

Date

APR 26 1902

Name Neal F. McRae.

Age 36

Blood ~~mother~~ 1/16

Post-Office. Houghton, La.

Father: Neal F. McRae d

Mother: Sarah E. " d

Claims through mother

wife Rosa A. McRae, w. l.

No claim for ~~husband~~

wife -

Children.

Bida E. McRae 9

Neal F. " Jr. 4

& Linda " 17 m.

Claims for self & 3 children.

Stenographer H. B. Hains

Choctaw MCR 5378

Caroline Boy Kin

MCR 5378

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caroline Boykin for
identification as a Mississippi Choctaw, M.C.R. 5378.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of Caroline Boykin.

	(Page)
Original application of Caroline Boykin to the Dawes Commission for identification as a Mississippi Choctaw.....	1
Decision of the Commission refusing the application of Caroline Boykin for identification as a Mississippi Choctaw.....	5

5318

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 23d, 1902.

In the matter of the application of Caroline Boykin for identification as a Mississippi Choctaw.

APPEARANCES: S.A. Readle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Caroline Boykin, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A Caroline Boykin.
Q How old are you? A About sixty-five years old.
Q How much Choctaw blood have you? A My grandmother was a Choctaw
Q Did her husband have any Choctaw blood? A I don't know.
Q Was that your mother's mother? A Yes sir.
Q Did your father have any Choctaw blood? A Not as I know of.
Q Then you claim to be a quarter blood Choctaw? A Yes sir.
Q What's your postoffice address? A #909 Openwood Street, Vicksburg, Mississippi.
Q How long have you lived at Vicksburg? A I've been living in the State of Mississippi--been living in Vicksburg--been here twenty years now but I've lived in Mississippi all my life.
Q Were you a slave? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Burl Boykin.
Q I believe you stated he had no Choctaw blood? A Not as I know of.
Q Was he a slave? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Rosetta Boykin.
Q Was she a slave? A Yes sir.
Q You claim she was half Choctaw? A Yes sir.
Q Where was she born? A State of Mississippi.
Q What county? A I don't know exactly what county--I think from Ponton, way out on the hills from there.
Q Did she live here in Mississippi all her life? A Yes sir, born in Mississippi.
Q How old would your mother be if she were living now? A That's more than I could tell.
Q Do you know how old she was when you were born? A No sir--I used to hear my grandmother say that my mother was 24 years old when she died--I was between nine and ten years old when my grandmother died.
Q Do you know how old your mother would be if she was living now--how old she was when you were born? A I was nine years old when my grandmother died and my mother was 24 years old then.
Q What was your mother's mother's name? A Leveney Washington.
Q How old was she when she died? A When she died she was between eighty and ninety years old, I think.
Q Was she a slave? A No sir, she wasn't no slave.
Q Where was she born? A She always said that she was born in the State of Mississippi--that's all I ever heard her talk about it.

Caroline Boykin--2

- Q Did she live here in Mississippi all her life? A Yes sir.
- Q You claim she was a full blood Choctaw, do you? A Yes sir.
- Q Do you understand the Choctaw language? A I don't myself but she did--she used to talk with the Indians and she could talk it but I couldn't understand it.
- Q Did she look like a full blood Choctaw? A Yes sir, her hair was straight and black and she was the color. She couldn't talk much in any other language but Indian.
- Q Are you married? A I have been married.
- Q Have you any children living who are under age? A No, sir.
- Q This application, then, is for yourself only, is it? A Yes sir.
- Q Did your grandmother have any other name besides Leviney Washington? A Not that I know of.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir, not as I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.
- Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A Not as I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A None but my oldest brother--he went off with the Indians when they was moving from the State of Mississippi--in Benton--he went off with the Indians.
- Q How old were you at the time when he left? A I was about seven years old I guess.
- Q What was his name? A Dennis Boykin.
- Q Full brother of yours? A Yes sir, full brother.
- Q Is he all of your people who went out west to the new nation? A Yes sir.
- Q Did any of your ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of, sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q You are sure of that, are you? A Yes sir, I am sure of that.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent

Caroline Boykin--3

failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States? A No sir, not as I know of.

Q So far as you know, then, none of your people ever received any benefits whatever as Choctaw Indians? A No sir.

Q Do you know of any real old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

Q Have you any witnesses here today to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before

Caroline Boykin--4

us here at Meridian between now and the 30th of this month or within a reasonable time at the office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir--I want to tell you that the Indians was passing through and they give my oldest brother a blow gun and they give my younger brother a bow and arrow--that was to remember the Indian blood--my oldest brother left with his bow and arrow and my little brother kept his as long as he could.
Q How many children have you living? A I have one daughter.
Q What's her name? A Georgia Hibbler.
Q Where does she live? A In Vicksburg.
Q Has she been before this Commission? A No sir.
Q Have you any children dead? A Yes sir.
Q Did any of them leave children? A No sir.
Q Have you any brothers living? A No sir, if the one that went off with the Indians is living I never heard of him.
Q Fifty years ago and more? A Yes sir.
Q How many other brothers did you have? A One.
Q What was his name? A Spencer Boykin.
Q Did he leave any children? A No sir, he wasn't married.
Q Did you ever have a sister? A When my mother died it was in child birth but I don't know what it was--it was very young--I don't know whether it was a boy or girl.
Q The child didn't live? A No sir, it didn't live.
Q Did your mother ever have any brothers? A Yes sir.
Q Full brothers? A Yes sir.
Q How many? A One.
Q Is he living? A No sir.
Q What was his name? A George Washington.
Q Did he leave any children? A Not as I know of.
Q Did your mother ever have a sister? A Not as I know of.

The applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates--her hair is somewhat inclined to be straight--she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, April 23d, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 6th day of May, 1902, at Muskogee, Indian Territory.

Charles M. Sawyer

Notary Public.

W. H. C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caroline Boykin for
identification as a Mississippi Choctaw, M.O.N. 2372.

--- D E C I S I O N ---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Caroline Boykin for herself, under the following provision of the
act of Congress approved June 22, 1892 (27 Stats., 492):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, by reason of being a descendant of one

Levinay Washington, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Levinay Washington, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Boykin as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and that the application for her
identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Tame Biche.

MISSOURI.

T. B. Needles

COMMISSIONER.

C. P. Breckinridge.

COMMISSIONER.

Washington, Indian Territory.

NOV 1 1902

COPY.

Muskogee, Indian Territory November 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of November 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Caroline Boykin an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Boykin as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the

M M & C -2

Commissioner of Indian Affairs.

Respectfully,

Sam E. B. B. B.

Acting Chairman.

M.C.R. 5378.

COPY.

Muskogee, Indian Territory November 1, 1902.

Caroline Boykin,

Vicksburg, Mississippi.

Dear Madam:

You are hereby advised that on the 1st day of November 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Caroline Boykin an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Boykin as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review

C B -2

to the Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,

SIGNED:

Tame Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Caroline Boykin an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of November 1, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M C R 5378.

-:- COPY -:-

Land.

69863-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, December 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made November 17 , 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Caroline Boykin, for identification as a Mississippi Choctaw, claiming rights under the provisions of the 14th article of the treaty of 1830. November 1, 1902, the Commission held that the applicant was not entitled to identification.

Descent is claimed from Leviney Washington through Rosetta Boykin, her daughter, it being claimed that Leviney Washington, was a member of the Choctaw tribe of Indians in 1830, and complied or attempted to comply with the provisions of article 14 of the treaty. The applicant is not a full blood Choctaw Indian.

A careful search of the records of this office fails to show that Leviney Washington received a patent for land under the provisions of article 14 of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it

-:- 2 -:-

appear that she applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

W. A. Jones,
Commissioner.

C.T.C.(E.)

-:- COPY -:-

D.C. 587

EAF.

ITD.7858-1902.

DEPARTMENT OF THE INTERIOR,

L.R.S.

Washington,

January 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, the Commission transmitted the record in the matter of the application for identification as a Mississippi Choctaw, of Caroline Boykin.

The applicant claims to be a descendant of one, Leviney Washington, Alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fails to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Leviney Washington, or a less remote ancestor of applicant complied or attempted to comply with article 14 of the treaty of September 27, 1839, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application November 1, 1902.

Forwarding the papers December 18, 1902, the Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed. The Department has carefully considered the entire record in the case and hereby affirms your decision.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 5378

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Caroline Boykin for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

Commissioner in charge.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5578

Muskogee, Indian Territory, January 16, 1905.

Caroline Boykin,

Vicksburg, Mississippi.

Dear Madam:

You are hereby notified that on the 3d day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 1st day of November, 1903.

Respectfully,

Commissioner in Charge.

#2096

No.

5378

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date APR 23 1902

Name *Caroline Boykin*

Age *65*

Blood *1/4*

Post Office, *107 Openwood St. Vicksburg, Miss.*

Father: *Burl Boykin d*

Mother: *Rosetta " 1/2 d*

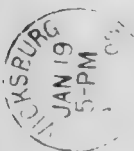
Claims through *Mother*

For

Children:

*mother's mother Leoney Washington
J. S. Killeb*

5378



5. 1904



Choctaw MCR 5379

Vincent S. Stanphill

See MCR 4049

MCR 5379

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 28 1902.

5379.

In the matter of the application of Vincent S. Stanphill for the identification of himself and his minor child, Sallie Stanphill, as Mississippi Choctaws.

Applicant not represented by attorney.

Vincent S. Stanphill, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Vincent S. Stanphill.
Q What is your age? A Fifty four.
Q What is your post office address? A Golden, Mississippi.
Q How long have you lived in Mississippi? A Been there ever since I lived anywhere.
Q Born and raised there? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Pomphrett Stanphill.
Q What is your mother's name? A Lutisia Stanphill.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One third.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?--either by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes sir, she was enrolled at Durant in 1898.
Q Is your mother the same person who was admitted by the United States Court, Central District, Indian Territory, August 24, 1897, to citizenship in the Choctaw Nation as Lutisia Stanphill? A Yes sir.

(Reference is made to Choctaw Roll Card No. 3358 where the name of the mother of this applicant appears)

(Reference is also made to the application of Annie E. Stanphill, Mississippi Choctaw Card #4049.)

- Q What relation is Annie E. Stanphill to you? A Cousin.
Q You have other relatives also who have appeared to be identified as Mississippi Choctaws? A Yes sir.
Q Any under any other name than Stanphill? A No, I reckon not.
Q Would you like to have the testimony given in their cases and the record made considered with yours? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sarah Elizabeth.
Q Is she living? A Yes sir.

Vincent S Stanphill-----2
et al.,

Q Is she a white woman or a Choctaw Indian? A White.
Q Do you make any claim for her? A No sir.
Q Have you any children under twenty one years of age and unmarried? A One.
Q What is the name of that child? A Sallie Stanphill.
Q How old is she? A She is about fifteen.
Q And how many children have you who are over age and married who have not made application? A None of them have ever made application, there are seven of them.
Q Give their names and addresses, the oldest first? A John P. Stanphill.
Q He is married? A Yes sir.
Q And where does he live? A Golden, Mississippi.
Q The next? A Anna Hale; she is living at the same place.
Q The next? A Lutisia Jane Hopkins.
Q Where does she live? A Same post office.
Q The next? A Thomas A. Stanphill; same post office.
Q Next? A Hosea B. Stanphill; same post office.
Q Next? A Minnie D. Waddell; same post office. Emma Gurley--
Q Next Emma Gurley? A Yes sir, she lives at Borsey, Mississippi.
Q Any others? A No sir, that is all.
Q Is Sarah E. Stanphill the mother of Sallie and of all these other children whom you have mentioned? A Yes sir.
Q Is this child Sallie living with you at your home? A Yes sir.
Q When and where were you married to your wife? A Tishomingo County, Mississippi.
Q What date? A In 1866, in December.
Q Have you the proof of that marriage with you now? A No sir.
Q You can introduce that later? A Yes sir.

(Reasonable time will be allowed for that purpose.)

Q Is your name or the name of Sallie Stanphill on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Have you and your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your child by the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application before this time to any authority whatever for citizenship in the Choctaw Nation for yourself and this child? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of identifying yourself and this child as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A I do.

Q Do you understand that article? A I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th of September, 1830, and was made for the purpose of removing as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation west of the Mississippi river in Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards ratified on the 24th day of February 1832; That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No, I don't know.

Q Do you understand that article now? A Yes sir.

Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A Sophia Sullinger.

Q What relation is she to you? A She is my great grandmother.

Q How much Choctaw blood did she have? A Full blood.

Q Did she have a Choctaw Indian name? A I don't know.

Q Did she speak the Choctaw language? A I don't know anything about that.

Q How old would she be if living now? A I have no idea.

Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I cannot say.

Q Did she live in Mississippi in 1830? A I wouldn't be positive?

Q You don't know whether she lived there in 1830 and was the head of a family there at that time? A No, I can't say.

Q Can you give the names of any of your Choctaw ancestors who did live in Mississippi or Alabama in 1830 and had families there at that time? A I cannot, no sir.

Q You claim through your mother? A Yes sir.

Q She is now living? A Yes sir.

Q She has been before the Commission to be enrolled? A Yes sir.

Q How old is she? A Seventy eight.

Q She was born in Mississippi? A I think so, I wouldn't be positive.

Q What was the name of her father? A Sullinger.

Q What was the name of her mother? A Sophia Sullinger.

Q Is that the same Sophia Sullinger whose name you have given as a fullblood? A Yes sir, I think so.

Q That would not be your great grandmother? A No, my grandmother.

Q Do you know whether your mother was living in Mississippi or Alabama in 1830? A No, I couldn't say.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838 or 1840? A I don't know.

Q When did your mother come to the territory? A I cannot state how long, it has been a good while.

Q You don't know about when? A No sir.

Q Do you think she came between 1833 and 1838? A No sir.

Q It was later than that was it? A Yes sir.

Q Did she come here under the expense of the United States government? A No sir.

Q She didn't come with the rest of the Indians? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not as I knew of.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do so caused a great many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, for both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians in Mississippi and Alabama, and as a

Vincent S Stanphill-----5

result of the complaints made Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. This Commission was appointed in 1837 under an act approved March 3rd of that year. In 1842, another Commission was appointed by Congress under an act approved August 23 of that year for the same purpose. Both of these Commissions went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know whether any of your Choctaw ancestors went before either of these Commissions of 1837 or 1842 and claimed benefits under article fourteen of that treaty? A No sir, I don't.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales, that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians? A I don't know

Q Have you any other evidence you want to introduce at the present time? A No sir.

Q Would you like a little time in which to introduce evidence? A Yes sir.

(Reasonable time will be allowed this applicant, who appears before the Commission without an attorney, in which to introduce proper evidence.)

Q Do you speak or understand the Choctaw language? A No sir.

(This applicant has the appearance and physical characteristics of being descended from white parentage. He has blue gray eyes; formerly dark hair, now gray; light brown moustache. He doesnot understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.)

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H C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes herereported in full all proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 28th day of April, 1902.

H. C. Risteen
Marion C. Risteen
Notary Public.

COPY.

M.C.R. 5379.

Muskogee, Indian Territory, December 1, 1902.

Vincent S. Stanphill,

Golden, Mississippi.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Elizabeth Stanphill, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Elizabeth Stanphill, et al.	M.C.R. 4049
Julia L. Stanphill,	M.C.R. 375
Mary Keeton, et al.	M.C.R. 376
Latimer Myers Cleveland, et al.	M.C.R. 4080
Esther J. Sartor, et al.	M.C.R. 4649
Sarah White, et al.	M.C.R. 5201
Mary Jeannette Stanphill,	M.C.R. 5202
Delphia A. Elliott, et al.	M.C.R. 5124
Ivory Burks, et al.	M.C.R. 5125
William E. Elliott,	M.C.R. 5289
Nancy L. Curtis,	M.C.R. 5290
Nancy M. Beebe, et al.	M.C.R. 4320
Lutisha Armstrong, et al.	M.C.R. 4321
Vincent S. Stanphill, et al.	M.C.R. 5379

These applications were made under the provision of the act of Congress of June 28, 1896, (50 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may

administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Elizabeth Stanphill, Martha Stanphill, Luther Stanphill, Bennie Stanphill, Ada Stanphill, Tom Stanphill, Lillie Stanphill, Julia L. Stanphill (deceased), Mary Keeton, Maude Keeton, Margy Keeton, Latimer Myers Cleveland, James L. Cleveland, Mary E. Cleveland, Charley V. Cleveland, John G. Cleveland, Albert A. Cleveland, Fanney V. Cleveland, Thomas D. Cleveland, Bedford Cleveland, Bedford Cleveland, Lindy L. Cleveland, Esther J. Sartor, Margie Sartor, Alexander Sartor, Andrew Sartor, Ella Sartor, James Sartor, Willie Sartor, John Sartor, Sarah White, Hiram White, Walter S. White, Mary Jeannette Stanphill, Delphia A. Elliott, Jessie Elliott, Beflury Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Burks, Label Burks, William E. Elliott, Nancy L. Curtis, Nancy M. Beebe, Charles P. Beebe, Lutishia A. Beebe, Minnie M. Beebe, Mary L. Beebe, Lillie W. Beebe, Lutisha Armstrong, William L. Armstrong, Washie Armstrong, Lonie Armstrong, Jimmie Armstrong, Vincent S. Stanphill and Sallie Stanphill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Very truly,

John H. ...

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 11, 1903.

V. S. Stanphill,
Golden, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask "Have the books closed for filing claims, if not, when will they close"? You also ask "What has been done with the Sullinger and Stanphill claims"?

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and minor child as Mississippi Choctaws. Your case was made a part of the consolidated Mississippi Choctaw case of Annie E. Stanphill and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming from the same common ancestor.

The Commission, on December 1, 1902, rendered its decision refusing the applications included in this consolidated case and on the same date the applicants therein were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case expired

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on December 16, 1902. On December 17, 1902, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The several applicants will be duly notified of such action as may be taken by him.

You are further advised that the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

M.C.R. 5379.

COPY.

Muskogee, Indian Territory, April 18, 1903.

Vincent S. Stanphill,

Golden, Mississippi

Dear Sir:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Annie Elizabeth Stanphill, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

Tamie Dinby.

Chairman.

MCR 8379

Muskogee, Indian Territory, December 6, 1906.

Vincent Stanphill,
Golden, Mississippi.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion for rehearing filed in this office June 23, 1906, by J. O. Pool, attorney, on behalf of Annie E. Stanphill in the consolidated Mississippi Choctaw case of Annie Elizabeth Stanphill, et al.

Respectfully,

Acting Commissioner.

No. 5379

For Identification as a Mississippi Choctaw.

Date

APR 2, 1902

Name Vincent S. Stanphill

Age 5 ~~4~~ 4 Blood $\frac{1}{3}$

Post-Office, Golden, Miss. -

Father: Pomp^hrett Stanphill, d.

Mother: Leticia " l.

Claims through mother

wife Sarah E. Stanphill, l. w.

No claim for wife -

Children:

Sallie Stanphill 15

Claims for rich & children -

H. C. Risteen

Stenographer

Choctaw MCR 5380

Edwin L. Merriman

See MCR 3676

MCR 5380

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#5380.

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In the matter of the application of Edwin L. Merriman for the identification of himself as a Mississippi Choctaw.

Applicant not represented by attorney.

Edwin L. Merriman, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Edwin L. Merriman.
Q What is your age? A Twenty-one.
Q What is your post office address? A Chico, Texas.
Q How long have you lived there? A All my life.
Q What is your father's name? A Theodora Merriman.
Q Is he living? A Yes sir.
Q What is your mother's name? A Elizabeth Merriman.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A Claim one-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1898? A No sir.
Q Is this the first application for citizenship in the Choctaw Nation you have ever made to any authority at the present time?
A Yes sir.
Q You never have been admitted to citizenship in the Choctaw Nation have you, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Edwin L. Merriman--2.

- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well, no more than what you read a while ago.
- Q You think you would like to have it explained further?
- A Well, you might explain.

The treaty of 1830, sometimes called the "Treaty of Dancing Rabbit Creek", it was made at a place of that name in the state of Mississippi in the year 1830, on the 27th day of September, was a treaty made for the purpose of removing the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river, to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory. In order to protect their rights and interests under that treaty, it was demanded by all of the Indians, before they would sign the treaty, that something should be put into it to protect the Indians that stayed back there in that old Nation, so article fourteen was drawn up and put into the treaty. An article is only a subdivision of it. This article was put into the treaty of 1830 and was passed for the especial benefit of Mississippi Choctaw Indians and reads as follows:

"Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Annuity was a money payment that was paid to each individual of the tribe of Indians who came under the treaty from that old Choctaw Nation to the Choctaw Nation, Indian Territory, and for a number of years they received it, but those Indians who stayed back in the old Choctaw Nation and afterwards came to the Indian Territory should not have that annuity; they had the land there but should not have the annuity if they came later on.

Edwin L. Merriman--3.

- Q Do you think you understand that article? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? The one that you are descended from? A Why, William Powell.
- Q Well, isn't there an ancestor nearer than that---not so far back---who lived in Mississippi in 1830, and had a family there? A Nancy Powell married a Etheridge there.
- Q What was his first name? A Lewis.
- Q He was a white man? A Lewis Etheridge? Yes sir.
- Q How much Choctaw blood did Nancy Powell have, who married Lewis Etheridge? A One-half I think.
- Q What relation was Nancy to you? A She was my great-grandmother.
- Q Did she live in Mississippi in 1830 and have children there then, or a family of children? A I don't know.
- Q Do you know of any Choctaw ancestor who lived in the old Choctaw Nation east of the Mississippi river in 1830 and had a family there then? A No, I don't know---except---
- Q You claim through your mother, do you not? A Yes sir.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A No sir.
- Q How old is she now? A She's fifty-six.
- Q Where was she born? A She was born in Tennessee.
- Q She claims through who? Father or mother? A Her father.
- Q His name was what? A Jesse Etheridge.
- Q Where was he born? Where did he live? A I don't know where he was born.
- Q Where did he live? A In Tennessee.
- Q He claimed through who? Father or mother? A He claimed through his mother.
- Q Her name was what? A Nancy Powell.
- Q You claim she lived in Mississippi do you? A Why, I couldn't say. I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

The members of the Choctaw tribe of Indians---about six or seven thousand of them---who remained in the old Choctaw Nation in Mississippi and Alabama, after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, under that treaty, were required, if they wanted to take advantage of article fourteen of the treaty, to go to the United States Indian Agent, Colonel Ward, who had

Edwin L. Merriman--4.

an Agency in Mississippi at that time, and within six months from the ratification of the treaty of 1830, tell him they wanted to stay in that old Choctaw Nation, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to make a proper record of persons who came before him for registration under that article caused a good many Indians who had land in Mississippi to have both land and improvements taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed for the same purpose, under an act approved August 23rd of that year; this Commission also went to Mississippi and heard claimants under article fourteen of this treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had formerly had land in the old Choctaw Nation which the government had taken from him and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land that the government had taken from him and sold, and that a certificate, or scrip as it was called then, should be given to him authorizing him to make this selection.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know.
Q What relatives of yours have been before the Commission to be identified as Mississippi Choctaws? A Been here to enroll?
Q Yes? A Why my brother has been here.
Q What was his name? A William C. Merriman.

The case of William C. Merriman, M.C.R. 3676, is here referred to as the principal case in this group of consolidated cases of applicants claiming under the same common ancestor, Nancy Etheridge.

- Q You want to have your case consolidated with all your other relatives claiming through the same common ancestor, Nancy Etheridge? A Yes sir.
Q Quite a good many relatives of yours made application April 26, did they not? A Yes sir.
Q Have you any other evidence you want to introduce at this time? Any further proof or papers of any kind? A No sir.
Q Do you care for any time in which to introduce further evidence or testimony in this case? A Well, I don't know as I-----

Edwin L. Merriman--5.

Q How much time do you think you could get along with?
A Oh, thirty days.

Thirty days time will be allowed this applicant in which to introduce further evidence in support of his application.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark brown eyes, medium fair complexion, doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause.

Subscribed and sworn to before me this 29th of April, 1902.

Charles C. Hall

Notary Public.

COPY.

Muskogee, Indian Territory, January 30, 1903.

Edwin L. Merriman,
Chico, Texas.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charles P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Nettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5365
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5420
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie N. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

Edwin L. Merriman-----2

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lena Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Tams Bixby.

Acting Chairman.

Registered.

CC. Y.

M.C.R. 5380.

Muskogee, Indian Territory, December 11, 1903.

Edwin L. Merriman,

Chico, Texas.

Dear Sir:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

Tamm L. M. C.

Chairman.

For Identification as a Mississippi Choctaw.

Date APR 28 1902

Name Edwin L. Merriman

Age 21 - Blood $\frac{1}{16}$

Post-Office, Chic., Texas.

Father: Theodore Merriman L.

Mother: Elizabeth " L

Claims through mother

Children:

Claims for self
alone

Enographer A. G. McMillan

Choctaw MCR 5381

Cora Martin

See MCR 3676

MCR 5381

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#5381.

-----006-----

In the matter of the application of Cera Martin for the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Cera Martin, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Cera Martin.
Q Do you make application for anybody besides yourself?
A No sir.
Q You are married? A Yes sir.
Q What is your age? A Eighteen.
Q What is your post office address? A Chico, Wise County, Texas.
Q How long have you lived there? A All my life.
Q Your father is living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Theodore Merriman.
Q And your mother's name? A Elizabeth Merriman.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-sixteenth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.
Q Your husband is living? A Yes sir.
Q And he's a Choctaw is he----Choctaw Indian? A No sir.
Q White man? No answer.
Q What is his name? A Frank R. Martin.
Q No claim for him? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever, before this time, made application for citizenship in the Choctaw Nation to any authorities of any kind?
A No sir.

Cora Martin--2.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think I do.
- Q You don't care for any further explanation? A No sir.

The article itself, without the explanation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Can you give the name of any ancestor of yours who complied or attempted to comply with article fourteen of that treaty?
- A No sir.
- Q What is the name of your ancestor that you claim your right now through? A Nancy Powell.
- Q She married who? A Lewis Etheridge.
- Q Was he a white man? A Yes sir.
- Q And she was how much Indian? A One-half.
- Q You get that from family history and tradition? A Yes sir.
- Q Got it from members of the family? A Yes sir.
- Q Have you any records to prove that she was one-half blood Choctaw? A No sir.
- Q What relation was she to you? A She was my great-grandmother.
- Q Your great-grandmother? A Yes sir.
- Q How old would she be if living now? A I don't know.
- Q Pretty old I guess? A Yes sir.
- Q You claim through your mother do you not? A Yes sir.
- Q And she was born where? A She was born in Tennessee.
- Q She removed from Tennessee to what state? A Texas.

Cora Martin--3.

- Q And is living there now? A Yes sir.
- Q She never lived in Mississippi or Alabama then? A No sir.
- Q She claimed through who? Father or mother? A Her father.
- Q What was his name? A Jesse L. Etheridge.
- Q Did he ever live in Mississippi or Alabama? A He lived in Mississippi.
- Q And was Nancy Etheridge his mother? A Yes sir.
- Q How old would he be if living now? A I don't know.
- Q Was he born in 1830 or any time previous to that date?
- A He was born in 1826.
- Q 1826? In Mississippi? A Yes sir, in Mississippi, I think.
- Q So that you are reasonably satisfied that Nancy Etheridge was living in Mississippi in 1830 and had a family there then?
- A Yes sir.
- Q Or, in other words, was the head of a family? No answer.
- Q Did she, or any of your Choctaw ancestors, own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did she, or any of your Choctaw ancestors, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward who had an Agency in Mississippi at that time, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states?
- A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1833 and 1838 or 1840? A I don't know.
- Q Did any of them own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?
- A I don't know.

The Choctaw Indians who remained back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation with the other Indians under that treaty, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi at that time, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do so caused a good many Indians in Mississippi to lose their land and improvements; both were taken from them by the government and sold. This caused so many complaints among the Choctaw Indians in the old Choctaw Nation that Congress appointed a Commission in 1837, under an act approved March 3rd of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year; this Commission went to Mississippi and heard claimants under article fourteen.

- Q Did any of your Choctaw ancestors, to your knowledge, go before

Cora Martin--4.

either the Commission of 1837 or 1842, and claim benefits as Choctaw Indians? A I don't know.

- Q Did any of them receive any scrip from the government which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly occupied in Mississippi in the old Choctaw Nation and which the government had taken from them and sold?
- A Not that I know of.

This scrip was issued under the act of Congress dated August 23, 1842.

- Q Who is William C. Merriman? A He is my brother.
- Q He has made application, has he not, to be identified as a Mississippi Choctaw? A Yes sir.
- Q And Edwin L. Merriman also and other relatives of yours?
- A Yes sir.
- Q All claim through the same common ancestor? A Yes sir.
- Q Would you like to have their cases considered with yours and consolidated together? A Yes sir.

Case of William C. Merriman, M.C.R. 3676, is here referred to as the chief case under which all these other cases claiming through the same common ancestor are to be consolidated.

- Q Do you speak or understand Choctaw? A No sir.
- Q Have you any other evidence that you want to introduce now?
- A No sir.
- Q Do you care for any time in which to introduce testimony?
- A Yes sir, thirty days.

Thirty days time will be allowed this applicant in which to introduce further testimony in support of her application.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark eyes, dark complexion, black hair, doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause.

Albert G. McMillan

Subscribed and sworn to before me this 29th day of April, 1902.

Harriet M. Hall
Notary Public.

COPY.

Muskogee, Indian Territory, January 30, 1903

Cora Martin,
Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	M.C.R. 5382
Edwin L. Merriman,	M.C.R. 5380
Cora Martin,	M.C.R. 5381
Wiley P. Etheridge, et al.,	M.C.R. 5350
Charlie P. Etheridge, et al.,	M.C.R. 5368
Minnie Etheridge,	M.C.R. 5367
Mettie Etheridge,	M.C.R. 5364
Arthur A. Etheridge,	M.C.R. 5369
Ina Stack, et al.,	M.C.R. 5385
Luther R. Etheridge,	M.C.R. 5370
Flora Ward, et al.,	M.C.R. 5424
Charles E. Ward,	M.C.R. 5428
Bennie E. Ward,	M.C.R. 5371
Hattie E. Ward,	M.C.R. 5427
Mary Arnold, et al.,	M.C.R. 5426
Nancy Wilson, et al.,	M.C.R. 5423
William J. Wilson,	M.C.R. 5372
Walter L. Wilson,	M.C.R. 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernest Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson and Walter L. Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Fannie E. Dwyer.
Acting Chairman.

Registered.

C.S.Y.

M.C.R. 5381.

Muskogee, Indian Territory, December 11, 1903.

Cora Martin,
Chico, Texas.

Dear Madam:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

W. C. M. R.

W. C. M. R.

Chairman.

For Identification as a Mississippi Choctaw.

Date

APR 28 1902

Name *Cora Martin*Age *18* — Blood *1/16*Post-Office, *Chico, Tex.*Father *Theodore Merriam*Mother: *Elizabeth* .. *L.*Claims through *mother*
*husband**Frank R. Martin L. W.**No claim for husband*

Children:

Claims for self
*done*Stenographer *A. G. McMillan*

Choctaw MCR 5382

Ethel Goad

See MCR 3676

MCR 5382

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#5382.

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In the matter of the application of Ethel Goad for the identification of herself and her three minor children, Grace, Violet and Lema Goad, as Mississippi Choctaws.

Applicants not represented by attorney.

Ethel Goad, being first duly sworn, testified as follows:

Examination by the Commission:

- Q Your name is what? A Ethel Goad.
Q What is your age? A Twenty-five.
Q What is your post office address? A Chico, Texas.
Q How long have you lived there? A I have lived there all my life, excepting one year.
Q What one year? A I was born in Texas.
Q Where did you live that one year? A In Johnson County.
Q What state? A Texas.
Q Your father is living? A Yes sir.
Q Also your mother? A Yes sir.
Q What is your father's name? A Theodore Merriman.
Q What is your mother's name? A Elizabeth Merriman.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Your husband is living? A No sir.
Q What was his name? A John C. Goad.
Q Did he have any Choctaw blood? A No sir.
Q He was just a white man? A Yes sir.
Q How many children have you that you want to make application for, under twenty one years of age? A Three.
Q What is the name of the oldest? A Grace.
Q She's how old? A Five years old.
Q The next? A Violet.
Q How old? A Four.
Q The next? A Lema.
Q How old? A Two.
Q Any others? A No sir, that's all.

Ethel Goad et al.,--2.

- Q Was John C. Goad the father of these children? A Yes sir.
- Q And they are living with you now and supported by you at your home are they? A Yes sir.
- Q Is your name or the name of your oldest child on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Or any other children of yours? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of your children to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or any of your children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you made application at any time for citizenship for yourself and children in the Choctaw Nation to any authority previous to this present application? A No sir.
- Q Have you or any of your children been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think I do.
- Q You do not care to have it explained do you? A No sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with the provisions of that article? A I don't know.
- Q What is the name of your ancestor through whom you claim?
- A Nancy Powell.
- Q She married who? A Lewis Etheridge.
- Q He was a white man? A Yes sir.
- Q How much Choctaw blood did she have? A One-half.
- Q Did they live in Mississippi in 1830? A I don't know.
- Q Have you heard so in the family? A I think I have, but I

Ethel Goad et al.,--3.

don't just remember.

- Q What was your grandfather's name? A Jesse Etheridge.
Q How old would he be if living now? A No answer.
Q Or when was he born? A '26.
Q 1826? A Yes sir.
Q Where was he born? A I don't know.
Q You do not know that he was born in Mississippi? A No sir.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states?
A Not that I know of.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?
A No sir, not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, were required, if they wanted to take advantage of article fourteen of the treaty, to go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi at that time, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Indians did this who failed to have their names placed upon the list made by Colonel Ward and known as Ward's Register. His neglect to see that they were properly enrolled under article fourteen caused a good many Indians who complied with that article and who had improvements on land to lose both the land and improvements; both being taken from them by the government and sold at its public land sales. This caused so many complaints that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress, by an act approved August 23, of that year, for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians? A No sir, I don't know.

The act of Congress approved August 23rd, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also appeared that he had land in Mississippi which the government had taken from him and sold, he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from

Ethel Goad et al.,--4.

vacant government land, and that a certificate to that effect should be given to him. This certificate was called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A No sir, I don't know that they did.
Q Who is William C. Merriman? A He is my brother.
Q He has made application for identification, has he not?
A Yes sir
Q Do you want his case considered with yours and consolidated with yours, and the cases of all other relatives who have applied here, claiming through Nancy Powell? A Yes sir.

Case of William C. Merriman, M.C.R. 3676, is here referred to as the principal case under which all these other cases are to be consolidated.

- Q Have you any other evidence you want to introduce now?
A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Do you want any time in which to introduce other evidence?
A Yes sir, about thirty days.

Thirty days time will be allowed this applicant for that purpose.

Applicant has the appearance and physical characteristics of being descended from white parentage, dark complexion, dark eyes, black hair, has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause taken on said date.

Albert G. McMillan

Subscribed and sworn to before me this 29th day of April, 1902.

Clarence H. Wood

Notary Public.

COPY.

Muskogee, Indian Territory, January 30, 1903.

Ethel Goad,

Chico, Texas.

Dear Madam:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Merriman, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Merriman, et al.,	M.C.R. 3676
Ethel Goad, et al.,	" 5382
Edwin L. Merriman,	" 5380
Cora Martin,	" 5381
Wiley P. Etheridge, et al.,	" 5350
Charlie P. Etheridge, et al.,	" 5368
Minnie Etheridge,	" 5367
Nettie Etheridge,	" 5364
Arthur A. Etheridge,	" 5369
Ina Stack, et al.,	" 5365
Luther R. Etheridge,	" 5370
Flora Ward, et al.,	" 5424
Charles E. Ward,	" 5428
Bennie E. Ward,	" 5371
Hattie E. Ward,	" 5427
Mary Arnold, et al.,	" 5426
Nancy Wilson, et al.,	" 5423
William J. Wilson,	" 5372
Walter L. Wilson,	" 5429

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may ad-

minister oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William C. Merriman, Willie G. Merriman, Lillie May Merriman, Herbert W. Merriman, Winnie Merriman, Charles E. Merriman, Ethel Goad, Grace Goad, Violet Goad, Lema Goad, Edwin L. Merriman, Cora Martin, Wiley P. Etheridge, Herley Etheridge, Fannie Etheridge, Carl Etheridge, Charlie P. Etheridge, Mattie Etheridge, Roy Etheridge, Iva Etheridge, Glenn Etheridge, Shannon Etheridge, Minnie Etheridge, Nettie Etheridge, Arthur A. Etheridge, Ina Stack, Birdie Stack, Curtis Stack, Luther R. Etheridge, Flora Ward, Ernst Ward, Everett Ward, Charles E. Ward, Bennie E. Ward, Hattie E. Ward, Mary Arnold, Jesse Arnold, Isabell Arnold, Nannie Arnold, Ettie Arnold, Lizzie Arnold, Nancy Wilson, Jacob L. Wilson, Nellie M. Wilson, Robert G. Wilson, Nannie O. Wilson, Bennie F. Wilson, Flora J. Wilson, William J. Wilson, and Walter L. Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 5382.

COPY.

Muskogee, Indian Territory, December 11, 1903.

Ethel Goad,

Chico, Texas.

Dear Madam:-

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Merriman, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

SIGNED

Tame Dixby.
Chairman.

No. 5382

For Identification as a Mississippi Choctaw.

Date APR 28 1902

Name Ethel Goad

Age 25- Blood $\frac{1}{16}$

Post-Office, Chic. Texas

Father: Theodor Merriam, l

Mother: Elizabeth " l

Claims through mother.

Husband

John C. Goad (d) w.

Children:

Grace Goad. 5

Violet " 4

Lerna " 2

Claims for self
and 3 children

Stenographer Q. H. McMillan

Choctaw MCR 5383

Olive A. Barnett

See MCR 5384

MCR 5383

7A 714

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T. July 17, 1900

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Olive A. Barnett. Being duly sworn by Commissioner Bixby.

- Q What is your name? A Olive A. Barnett.
Q What is your age? A Nineteen.
Q What is your postoffice address? A Rolf.
Q You live at Rolf? A Yes sir.
Q That is in the Indian Territory? A Yes sir.
Q How long have you lived there? A Five years.
Q Have you lived there continuously for the past five years?
A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A No sir.
Q Where did you live before you moved to Rolf. A Red River.
Q In the Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A All my life.
Q You were born in the Indian Territory? A Yes sir.
Q Have you ever lived any where else? A In Texas.
Q How long? A Six months. I was small.
Q What is your father's name? A Timmons.
Q His full name? A William J. Timmons.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Timmons.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Did he ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did your father or did any one for him make application to this Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A Grandma sent up her papers in 1896.
Q What is your grand-mother's name? A Nancy Jane Braly.
Q Your father's name is William J. Timmons. Was his name in that application? A Yes sir.
Q Was your name in that application? A I guess it was.

The records of the Commission examined. 1896 Citizenship docket C page 379 Choctaw Case 1076 Nancy J Brawley vs the Choctaw Nation, original application filed September 9th, 1896. The answer of the Choctaw Nation filed and on December 5th 1896 the Commission denied the application of Nancy J. Brawley et al for citizenship in the Choctaw Nation. There is no record of an appeal being taken in this case. In the original application the name of William J/ Timmons, the father of this applicant and of Olive Timmons the daughter of William J. Timmons and the applicant in this case, are among those who applied for citizenship in the Choctaw Nation in the case of Nancy Jane Brawley et al.

- Q Is your name on any of the tribal rolls of the Choctaw Nation? A I dont know.
Q Did you or did any one for you make application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A No sir, not that I know of.
Q There was an application made on your behalf to this Commission in 1896 by your grandmother, Nancy Jane Braly, was there not? A Yes sir.
Q Do you know what action this Commission took in that case?
A No sir.

Olive A Barnett 2 -----

Q You have heard the record read, from which it appears the Commission denied the application of your grand-mother and the other people in her case, for citizenship in the Choctaw Nation?
A Yes sir.

Q You know then that the Commission rejected the application made in your behalf in 1896? A Yes sir.

Q There was no appeal taken from the decision of this Commission? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Lee Barnett.

Q Do you make any claim for him? A No sir.

Q Have you any children? A No sir.

The decision of the Commission as to your application for enrollment as a citizen by blood of the Choctaw Nation will be based upon your oral testimony given by you at this time and such written evidence as you now desire to submit for the consideration of the Commission in support of your application.

Q Have you any papers you want to submit for the consideration of the Commission? A No sir.

The decision of the Commission as to your application will be mailed to you in the near future at your present postoffice address.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case, and that the foregoing is a true, full and correct transcript of her stenographic notes taken in the said case .

Myra Young

Sworn to and subscribed in my presence this 26 day of July 1900

[Signature]
Acting Chairman. 4

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#5383

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In the matter of the application of Olive A. Barnett for the identification of herself and her minor child, Willie Barnett, as Mississippi Choctaws.

Applicants not represented by attorney.

Olive A. Barnett, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Olive A. Barnett.
Q What is your age? A Twenty-one.
Q What is your post office address? A Fitzhugh.
Q What state? A Indian Territory.
Q How long have you lived there? A Lived there seven years, and in the Chickasaw Nation all our life.
Q Is your father living? A Yes sir.
Q Mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q What is his name? A William J. Timmons.
Q And your mother's name is what? A Mary Timmons.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been enrolled as a Choctaw Indian or recognized as one by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Can you bring it here later, or send it? A Yes sir, I can send it.

Reasonable time will be allowed for this purpose.

- Q Are you married? A Yes sir.
Q What is your husband's name? A Lee Barnett.
Q Is he a white man or Indian? A White man.
Q Do you make any claim for him? A No sir.
Q You have how many children? A One.
Q What is that child's name? A Willie.
Q Boy? A Girl.
Q How old is Willie? A She's fourteen months old.
Q Is Lee Barnett the father of Willie? A Yes sir.
Q Are you and your husband living together as husband and wife? A Yes sir.

Olive A. Barnett et al.,--2.

- Q And the child is living with you at your home? A Yes sir.
- Q Were either you or your husband married previous to your marriage to each other? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Well, you never made application to be enrolled as a citizen did you, to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Where did you make application? A Here.
- Q Before the Dawes Commission? A Yes sir.
- Q But you never made application did you before the Choctaw tribal authorities or the Choctaw Commission or any authorities whatever, representing the Choctaw Nation except the Dawes Commission? A No sir.
- Q Did you make application in your own name? A Yes sir.
- Q For yourself and your child? A I didn't have that child when I was here.
- Q Just for yourself alone? A Yes sir.
- Q Did any other of your relatives make application at that time? A Yes sir.
- Q Who did? A This lady and my grandmother and my grandfather and my uncle.
- Q You made application before the Commission for citizenship by blood in the Choctaw Nation, July 17, 1900, didn't you? A Yes sir.
- Q Judgment was rendered against you wasn't it? The judgment was against you that time wasn't it? A I don't know.
- Q You wasn't admitted at that time? A No answer.
- Q You knew it was rendered against you? A Yes sir.
- Q That is, you received word to that effect? A Yes sir.
- Q Would you like to have the records contained in and the evidence introduced in that application made by you at Muskogee, before the Commission, July 17, 1900, and known as No. Choctaw R 714, now considered with this application and made a part of this present record? You would, wouldn't you? A Yes sir.
- Q You nor your children have ever been admitted to citizenship in the Choctaw Nation have you, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? Never have been admitted have you? A No sir.
- Q Do you now come before the Commission making application for the identification as Mississippi Choctaws of yourself and your minor child, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Do you want that explained to you? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September. It was made for the purpose of the removal, as far as practicable, of all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many

Olive A. Barnett et al.,--3.

Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under that treaty, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty and afterwards ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years from the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen? A I don't know.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A My father.
- Q You claim further back than that, don't you? Who does your father claim from? A Well, claims from his mother.
- Q Who do you claim through? A James Taylor.
- Q What relation is James Taylor to you? A I don't know.
- Q Did James Taylor live in Mississippi or Alabama at any time? A Don't know.
- Q Your father's name is William J. Timmons is it? A Yes sir.
- Q And your mother's name is Mary Timmons? A Yes sir.
- Q What is your grandmother's name? A Nancy Jane Braly.
- Q Do you know anything about the Warshams being relatives of yours? A No sir.
- Q What relation was James Taylor to you? A I don't know.
- Q What relation is Nancy Jane Braly to you? A Grandmother.
- Q She's here now, isn't she? A Yes sir.
- Q How old is she? A Sixty-two.
- Q Don't you know through whom your grandmother, Nancy Jane Braly, claims her Choctaw blood? A No sir.
- Q Do you know who Eliza A. Taylor is? Isn't she your grandmother's mother? A Yes sir.
- Q Did she live in Mississippi or Alabama in 1830? A I don't know.
- Q Can you give the name of any ancestor of yours who lived in Mississippi in 1830? A No sir.

Olive A. Barnett et al.,--4.

- Q Did Eliza A. Taylor speak the Choctaw language and have a Choctaw Indian name? A I don't know.
- Q How much Choctaw blood did Eliza A. Taylor have? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors, to your knowledge, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay there, take land and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from this ratification, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his register known as Ward's Register, and his failure to do so caused a good many Indians who held land in Mississippi upon which they had improvements, to lose both the land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress by an act approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.
- Q Have you had any relatives who have come here before the Commission previous to this application of yours and applied to be identified as Mississippi Choctaws? Anybody else?
- A Besides these that's here?
- Q Well they haven't yet applied as Mississippi Choctaws; they have only applied as Choctaws by blood in 1900. You don't know of any? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence you want to introduce now?
- A No sir.

Olive A. Barnett et al.,--5.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark complexion, black eyes, dark brown hair, has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause taken on said date.

Albert G. McMillan

Subscribed and sworn to before me this 29th day of April, 1902.

Charlitchell Cook

Notary Public.

M.C.R. 5383

COPY.

Muskogee, Indian Territory, December 24, 1902.

Olive A. Barnett,
Fitzhugh, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Jane Braly, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5383
Lula McClain, et al.,	M.C.R. 5385
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Jane Braly, William J. Timmons, Josephine Timmons, James Walter Timmons, Ira Y. Timmons, Lillie May Timmons, Donie Alice Timmons,

-2-

Gera Etta Timmons, Olive A. Barnett, Willie Barnett, Lula McClain, Archie L. McClain, Thomas Jefferson Timmons, Minnie May Timmons, Archie L. Timmons, William Jefferson Timmons, James Silas Timmons, Charlie L. Timmons and Lula I. Timmons as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Pirby.
Acting Chairman.

Registered.

M.C.R. 8308.

COPY.

Muskegee, Indian Territory, March 24, 1903.

Olive A. Barnett,

Fishbush, Indian Territory,

Dear Madam:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Jane Braly, et al., of which decision you were advised by registered mail on the 24th of December, 1902.

Respectfully,

(SIGNED),

Tame Dixby

Chairman.

FILED

JUL 17 1900

COMMISSION TO FIVE TRIBES

Ossie A. Barnett. 19.

Off. Ind. Ter.

Father: Wm J. Timmons - ✓

Mother: Mary Timmons - ✓

Claims through father.

Husband.

Lee Barnett.

Abolished by blood.
July. 17th. 1900.

For Identification as a Mississippi Choctaw.

Date

APR 28 1902

Name *Oliver A. Barnett.*Age *21* Blood *don't know.*Post-Office, *Fitzhugh, I. T.*Father: *Wm J. Timmons, l.*Mother: *Mary " l.*Claims through *father* —
husband *Lee Barnett. w.**No claim for husband.*

Children:

*Willie Barnett (F.) 14 m**Claims for self
and child*Stenographer *A. H. McMillan*

Choctaw MCR 5384

Nancy Jane Braly

See MCR 5386, 5383, 5385, 5387

MCR 5384

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy Jane Braly, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5388
Lula McClain, et al.,	M.C.R. 5385
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Nancy Jane Braly, et al.

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Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T. July 16, 1900.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Nancy Jane Braly. Nancy Jane Braly being duly sworn:

- Q What is your name? A Nancy Jane Braly.
- Q What is your age? A 60, I will be 60 my next birthday.
- Q What is your post office address? A Fitzhugh and Rolf. I get mail at both places.
- Q What is your postoffice address, which one? A Fitzhugh.
- Q Indian Territory? A Indian Territory.
- Q Do you live at Fitzhugh? A No sir.
- Q Where do you live? A I live with both my sons. About five miles from Fitzhugh.
- Q You want to say you live with your son five miles from Fitzhugh? A Yes sir and some time I live with my other son about ten miles. You see I live with my children, and sometimes in Fitzhugh.
- Q How much Choctaw blood do you claim? A I reckon about an eighth Choctaw.
- Q What is your father's name? A Wells.
- Q His full name? A Robert Wells.
- Q Is he living? A No sir.
- Q What is your mother's name? A Her maiden name was Eliza A. Taylor.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q Was your mother's name on any of the tribal rolls of the Choctaw Nation? A My mother's name wasn't but some of my relations --
- Q I am talking about your mother. Was her name of any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did she ever make application to the Choctaw Tribal authorities for enrollment as a citizen of that Nation? A No sir not that I know of.
- Q Was she ever recognized as a Choctaw citizen by the tribal authorities of the Choctaw Nation. A I don't know that she was. She never was here in the Nation.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir my name has never been put on.
- Q Did you ever make application to the tribal authorities of the Choctaw Nation for enrollment? A I have but I have been frauded.
- Q When? A When the Commission was at Stonewall. There was a lawyer taken my case.
- Q When was this? A It was in 1897.
- Q Where did you make this application? A At Stonewall.
- Q To whom did you make it? A Lawyer Bruce.
- Q Was he the Choctaw tribal authorities? A He told me that he was.
- Q Did he represent to you that he was any authority of the Choctaw Nation? A He told me that he was a partner with Polan & Curtis and himself was partners in this business.
- Q In what business? A In the Indian committee work. in the Choctaw Nation.
- Q This was a citizenship committee was it that you made the application to in 1897? Q Well I went there ---
- Q Did you go before this Committee? A Yes sir.
- Q They rejected you? A They examined the rolls to see if they could find the names of Warshams and Taylor on the roll.
- Q They did not find them? A They found Taylors and Warshams both on the roll.

Nancy J Braly 2-----

Q I am talking about you. Did they find your name on any roll? A No my name they did not.

Q You appeared before the Citizenship Committee in person in 1897 and they examined the rolls and did not find your name. Did you make application to them to place your name on the roll? A No sir I did not.

Q What kind of an application did you make then? A I never made any application.

Q You never made any application? A No sir.

Q What was it you did when you went before this Citizenship committee. A I went there, taken my papers and went there to have my name on and they did not put my name on.

Q ~~Then you did make application?~~ A No sir.

Q If they refused to put your name on you must have made a pplication? A I did not make any application.

Q Did you not tell me just now that you went before that committee for the purpose of having your name put on the Choctaw roll and they could not find any of the relations through whom you claimed? A I went to them and asked them to look on the rolls and see if they could find the names of Taylors and Warshams on the roll. They found the name of Warsham and Taylor both and they asked me to call over the names of the ones that I knew and I told them I was a young girl when my father lived in the old states and I said there was a good many things I could not remember and I gave him the names of what I knew, and he said there was none of the names I gave him on the roll.

Q That was all you did? A Yes sir and I told him I had affidavits proving my claim but did not turn them over to him.

Q Then in reality you never made any application? A No sir I did not ask them to put my name there at all.

Q Did you or did any one for you in 1896 apply to this Commission for citizenship in the Choctaw Nation, under the act of Congress of June 10th, 1896? A No sir, I sent up papers but they never had them put on.

Q Sent them up where? A To the committee.

Q To what committee? A I don't remember where the committee was at work then.

Q We are through talking about this citizenship committee. We have a statement from you to the fact that you maver did make application to the citizenship committee. A No sir I never did.

Q Now we are talking about this Commission here. Between July 9th and September 10th, 1896, was your name brought before this Commission in any way shape or form, whether you put it here or your attorney or it ever came before this Commission for citizenship in the Choctaw Nation? A No sir, I don't know.

Q What is your basis for claim for recognition to citizens in the Choctaw Nation at this time? A Because I have not had opportunity of having it carried on before. I did not have the proof and I was not acquainted enough or knew where our relation was. Did not know where my uncle was.

Q Why do you think you are entitled to be recognized as a Choctaw Indian at this time? A Because I --- I can't understand it well enough --- I understand a thing I can give you a direct answer.

Q You came up here this morning for citizenship and enrollment in the Choctaw Nation? A Yes sir.

Q Why do you make this application. Why do you think this Commission ought to grant your application? A Because I know I have the Indian blood.

Q How do you know it? A By my ~~ma~~ mother.

Q How did your mother know it? A By my grand mother. Great Grand mother was a full blooded Choctaw woman.

Q How do you know that fact? A That was what they have always told me and they show it. I have an uncle, but I cant tell you where he is, that looks like he is half Indian.

Q You are aware of the fact that a full blooded Indian would not be enrolled if he has not been recognized by the tribal authorities of the Choctaw Nation as an Indian or by this Commission or by the United States Court in the Indian Territory. What is your

Hancy J Braly 3 -----

basis for a claim for citizenship, for enrollment as a citizen of the Choctaw Nation? A Because I want to be enrolled as an Indian. Have my citizenship here as an Indian by blood.

Q Why do you think this Commission ought to enroll you? A They have the authority to enroll me.

Q You think for the mere reason that this Commission has authority to enroll applicants as citizens of the Choctaw Nation, that they ought to enroll every body? A No, I don't know ---

Q Then what is your particular claim. How do you think you are entitled to Indian citizenship? A I can't understand it.

Q Are you married? A Yes sir I have been married twice.

Q Is your husband living? A No sir navy one.

Q Have you any children under twenty one years of age and unmarried? A No sir.

Q You are just making application for yourself.

Q Is there any statement that you desire to make at this time for the consideration of the Commission in support of your application? A Yes sir I would like to make all I could.

Q You will be allowed to make any statement that you desire. A I come with the intention of being put on as natives here as an Indian by blood and I have my two sons and two of my grand daughters with me that has come to put in theirs as Indians by blood.

Q Is that all you want to say? A And then my great grand father was a full blooded Indian.

Q Who was he? A Warsham was his name. Bill Warsham.

Q Was he ever recognized? A I don't know what tribe of Indians he was.

Q Where did he live? A In Tennessee.

Q You don't know whether he was a Choctaw Indian or not? A I don't know what tribe of Indians he was.

Q Any further statement you desire to make? And my grand mother--

Q What was her name? A Her maiden name was Martha Warsham and she married James Taylor which is my grand father.

Q James Taylor is a white man? A No sir he was a Choctaw by blood. His grand mother was a full blooded Indian woman.

Q What was his grand mother's name? A I don't remember what her name was. You see I was a small girl when my father moved from Tennessee to Texas away from all the connection and a child you know raised up in that way they forget a great deal.

Q Any other statement you want to make? A And that shows us to have Indian blood on the Warsham and the Taylor side both.

Q You don't know whether Choctaw Indian blood or not do you? No on the Warsham side I don't.

Q Is that all? A Yes sir.

Q Have you any papers that you desire to file with this Commission for its consideration? Any written evidence? A Yes sir I have some here and I sent off for some more but failed to get them at the office before I started and I told Mr. Glance if they should come before he started to bring them. These are from people who knew my grand mother and father. This is the affidavit people who knew my uncle.

Affidavit of J. A. Kreath offered in evidence, identified, marked exhibit A filed and made a part of the record in this case. Affidavit of E. L. Lurey offered in evidence, identified, marked exhibit B, filed and made a part of the record in this case.

Q Anything else? A I have a piece of an affidavit from my father. I had my papers out one day looking at them and one of the children got hold of it and tore it and the other part got destroyed.

Q Do you want to file it? A You can look over it.

Q There is nothing there. A Then I don't want that filed. here is -- this is no affidavit but it is-- I just wrote it off sat by me and I wrote it off and the next day he went and had an affidavit.

Q Where is the affidavit? A Lawyer Bruce got hold of it. The other that frauded me.

Nancy Jane Braly 4 ----

Q Do you want to file this? A Yes you can if you think it will do. That is only words from the old man that he told me and I wrote it down.

Paper purporting to be statement of John Lawrence as to Bill Warsham and Josh Blown offered in evidence, identified, marked exhibit C filed and made a part of the record in this case.

Q Is there anything else you want to file? A That is all the papers I have here with me unless they come before Mr. France started.

Q That will be all. A The ones that he will get will be from people who knew my grand father.

The decision of the Commission as to your application for enrollment as a citizen by blood of the Choctaw Nation will be based upon your oral testimony given at this time and such written evidence as you now submit in support of your application, and the decision of the Commission will be mailed to you in the near future at your present postoffice address.

Nancy Jane Braly being recalled, testified:

Q You stated in the examination a short time ago that you did not make application to this Commission in 1896? A I started to tell you but you stopped me. I sent up to the Committee in 1896 --

Q We are not talking about this citizenship committee. We are talking about this Commission. A I started to tell you that I had sent an affidavit from my mother, my uncle and my brother to the committee---

Q To what committee? We are not talking about any committee. We are talking about this Commission. A I wanted to tell you just what I had done but you stopped me every time.

Q We are talking of the Commission here, this Commission. A This Commission here I never was before.

Records of the Commission examined, September 8th, 1896, 1896 Citizenship Docket C, page 379 Choctaw Case No. 1076 Nancy Jane Braly vs the Choctaw Nation. Original application filed September 9th, 1896, and the answer of the Choctaw Nation was filed thereto. That on December 5th 1896, the Commission denied the application and there was no record of any appeal having been taken.

Q Are you the Nancy Jane Braly that made application in 1896? A Yes sir and I remember we never heard from those papers.

Q You have stated twice now that you did not make application. A They told me ---

Q Are you the identical Nancy Jane Braly who made application for citizenship in the Choctaw Nation in 1896? A Yes sir I sent the papers there. I sent those papers in but I never did hear from them whether they were rejected or received. They said I would hear from them in about two weeks.

Myra Young, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes in said case.

Sworn to and subscribed in my presence this 26 day of July 1900.

Myra Young
Acting Chairman.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. July 15, 1900.

In the matter of the application of Nancy J. Braly for enrollment as a citizen by blood of the Choctaw Nation. Nancy Jane Braly being duly sworn:

Q What is your name? A Nancy Jane Braly.

Q What is your age? A I will, be sixty years old in December.

Q Are you the identical Nancy Jane Braly who made application before this Commission this morning for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.

Q What is the statement you want to make? A I want to state that I am Choctaw Indian by blood. I have always been taught that by my grand parents and my parents that I was Choctaw Indian by blood. On the Warsham side I don't know what tribe of Indians they was. I got it from both sides from my grand parents.

Q Is that all you desire to say? A I think I have a right to my nativeship here in this Territory. This morning when you was questioning me I answer some questions wrongly.

Q You can correct your statements? A I told you that I had not made any application before was because I had never heard from my papers and didn't know whether they ever went any where or not but I sent up and got six and I never knew where they was and I never did hear from them until you told me this morning that they were here. When I went to Stonewall there I thought I would hear from my papers probably but they told me they never had saw them. Then I was bothered again so I got up some more affidavits for Lawyer Mullens. I taken the business out of his hands though. He has nothing to do with it only I gave him the proof I had. I heard that he was arrested, put in jail for false pretense and I taken it out of his hands and he was clever enough to send me the money I had paid him and then I went up to Bruce and he said him, Bolan and Curtis was working in the business and that he would take the case and carry it through for me and he told me he had about seventy five other cases besides mine. He got all the money he could and then he skipped out and that was the last of him. I was frauded there you see. I didn't do anything more until I met Cherryholmes and was telling him about sending these papers up in 1896 and I never had heard from them since I sent them up in 1896. I never knew what became of them. I told him about Mullens and Bruce and then I went to see Mr. Cherryholmes and made out an application to him giving the names, ages and blood. He said that he would tend my case for me and said he would be here and for us to meet him here by the fifteenth. We started last Monday and traveled as fast as we could as hot as the weather was, dry and dusty and never got here until Saturday evening. Now he is gone so I don't know what to do. I wish I could meet up with some of these old Warsham Indians or some that can run the race a generation back that knows them. Of course I was a small child when my parents moved from Tennessee. My uncle he married and moved off and I never saw him for twenty five years. I didn't know just how to go to work at it until my uncle come to see me on a visit. Then I met up with old man Ross that was my brother's wife's father and he told me then about knowing my grand father Taylor and my grand mother and grand father Warsham. He also knew my mother and father and he went then to Reagan and had an affidavit taken and it was the one that Bruce got away with. That paper I gave you this morning was some he told me the evening before he went to give the affidavit. They next day him and my brother went the next day before a Notary Public and he made the affidavit and on the eighth of the August following he died so I could not get it any more. My great great grand father Taylor married a full blooded Choctaw woman.

Q Is there anything more? A If we are rejected there is no use putting anything more down. Unless I can find out where the Warsham tribe is and will try them. At least I have always been

Money Jane Brady 2 -----

taught that by my parents and grand parents. There have some of the Taylor relations moved up and living in the Territory but I don't know just how it is. I was very little acquainted with the Taylor relations. One of my uncles and his family and my grand father's family is all the Taylor relations I am acquainted with because my father left the states when I was a young girl.

Q Do you want to say anything more. A I say if it is rejected there is no use saying anything more.

Q Is there anything more you wish to say? A No sir.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes in the said case.

Myra Young

Sworn to and subscribed in my presence this 26 day of July 1900

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,--April 28, 1902.

5384.

In the matter of the application of Nancy Jane Braly for identification as a Mississippi Choctaw.

(Applicant not represented by attorney)

Nancy Jane Braly, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Nancy Jane Braly.
Q What is your age? A Sixty two.
Q What is your post office address? A Fitzhugh.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A About ten or eleven years near Fitzhugh.
Q Have you lived in Indian Territory all your life? A No sir.
Q Where were you born? A Tennessee.
Q And from Tennessee you went where? A To Texas.
Q At what age were you when you went to Texas? A In my twelfth year.
Q And you stayed in Texas how long? A Until I was grown and married.
Q And then you went where----to the Territory? A Yes sir.
Q And have been in the territory ever since? A Yes sir.
Q In what nation principally? A Chickasaw.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was the name of your father? A Robert Wells.
Q What was the name of your mother? A Eliza Wells.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A About one eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, she never was in the territory.
Q Are you married? A Yes sir, I have been married.
Q Is your husband living? A No sir.
Q Have you any minor children that you want to apply for?
A No sir.
Q You just apply for yourself? A Yes sir.
Q What was your husband's name? A I was married twice; my first husband was Timmons.
Q Full name? A Jordan Timmons.
Q He is the father of your children who are here today? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes sir, in this Commission.

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Q You have never been enrolled as a member of the Choctaw tribe of Indians have you? A No sir.

Q You have made application before this Commission as a citizen by blood of the Choctaw Nation, have you? A Yes sir.

Q Did you make that application under the law of June 10, 1896? A Yes sir.

Q You went before the Commission in 1896? A No sir, I sent up papers at that time.

Q You were rejected? A I never did get any statement.

(The records of the Commission show that this applicant applied to the Commission in 1896 for citizenship in the Choctaw Nation and was rejected.)

Q And then you made another application to be enrolled? A Yes sir.

Q When was that application made? A 16th July, 1900.

Q You made application then for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.

Q What was done with that application, were you admitted or rejected? A I never did hear anything from that.

Q If you have not heard that any action was taken in that matter, and if as a matter of fact the records show that no action was taken, do you now want to waive that application and make it a part of this present application? A I want to make it today.

Q You want to have these records made a part of your present application? A Yes sir.

(The records of the Commission show that on July 16, 1900, at Muskogee, Indian Territory, this applicant appeared before the Commission as an applicant for enrollment as a citizen by blood of the Choctaw Nation, (Choctaw N-708). She now desires that that application and the record in it shall be made a part of this present application for identification as a Mississippi Choctaw.)

Q You now come before the Commission to be identified as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.

Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Do you understand article fourteen of the treaty of 1830? A Only just by hearing you read it.

Q Do you think you understand it? A I don't know that I understand it thoroughly.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of that treaty was to remove as far as possible all the Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama to the Choctaw

Nation, Indian Territory. It became known before the treaty was signed that a great many Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was drafted and put into the treaty of 1830, and then the treaty was signed and afterwards ratified. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that now? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article of that treaty? A There was some of the relatives who came to the territory but I don't know which ones it was.

Q When did they come, do you know? A No sir, I don't know.

Q What is the name of your ancestors through whom you claim your right to be identified? A Through my mother, Eliza Wells.

Q Her maiden name was Eliza A. Taylor? A Yes sir.

Q Where were you born? A In Tennessee.

Q Sixty two years ago? A Yes sir.

Q Did you have any older brothers or sisters? A Two sisters and one brother older.

Q How much older than you was the oldest? A Eight years.

Q Was Eliza A. Wells living in Mississippi or Alabama in 1830?

A I don't know.

Q How old would Eliza A. Wells be if living now? A She would be about eighty seven years old; she was born in 1816.

Q Do you know if she had a family in Mississippi or Alabama in 1830? A No sir, she did not.

Q In what year was your mother married? A I don't know what year.

Q Where was she married? A She was married in Tennessee. She was raised in Tennessee and married there.

Q You don't know where she was born? A No sir.

Q What was her father's name? A James Taylor.

Q Did he have Choctaw blood? A Yes sir.

Q He was the Choctaw ancestors who might have lived in Mississippi or Alabama and had a family there in 1830? A His mother was a full blood.

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Q I want to get an ancestor of yours who lived in Mississippi or Alabama in the old Choctaw Nation in the year 1830 and was the head of a family there then? A He was the head of a family then.

Q Your mother Eliza A. Wells was not married in 1830? A My grandfather's mother was living then.

Q You claim through your grandfather, James Taylor----Do you know whether any of his children were born in Mississippi or Alabama in 1830 or before that? A No sir, I don't know.

Q I want you to give the name of a Choctaw ancestor of yours who lived in Mississippi or Alabama in 1830 and was the head of a family then? A My grandfather is the only one that I know.

Q And his name was James Taylor? A Yes sir.

Q Do you know that he lived there in 1830---Is it a matter of family history and tradition that he lived there in Mississippi in 1830 and was the head of a family there at that time? A Yes sir.

Q James Taylor is the ancestor who had Choctaw blood and lived in Mississippi as far as you know from what has been said in the family? A Yes sir.

Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay there in the old Choctaw Nation and take land there and become citizens of the states? A I don't know.

Q Did James Taylor do that? A I don't know.

Q You don't know that he ever owned any land in Mississippi or Alabama that he received from the government? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830 or any time before that? A No sir.

Q Did any of them go from that nation east of the Mississippi river to the Choctaw Nation west of the Mississippi river between the years 1833 and 1838 or 1840? A I don't know.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama and refused to go to the Choctaw Nation, Indian Territory, under the treaty of 1830, remaining back there after the others had gone to the territory, were obliged if they wanted to take advantage of article fourteen of that treaty to go to the Indian Agent within six months from the ratification of that treaty and tell him they wanted to stay there in the old Nation and take land and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused a great many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements---the government took them both and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3 of that year, a commission was appointed by Congress, which Commission went

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to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another commission was appointed by act of Congress approved August 23 of that year, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

Q Did you ever hear that any of your ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A No sir.

Q Did any of them ever receive any scrip from the government or a certificate which entitled them to select land in Mississippi, Alabama, or Louisiana, or Arkansas, to take the place of lands which they had formerly occupied in Mississippi and which the government had taken from them and sold? A No sir.

Q Have you any documentary evidence or any other proper evidence you want to present at the present time? A No sir.

Q Do you care for any time in which to offer such testimony? A I have witnesses here to introduce.

Q And do you want time in which to introduce other testimony? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A Olive A. Barnett that is the only one.

Q The others that you are related to have made applications the same as you made in 1900 for enrollment as citizens by blood? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Black eyes, dark complexion, dark hair. She does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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H C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me this 28th day of April, 1902.

Charles H. Risteen
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 26, 1902.

5384

In the matter of the application of Nancy Jane Braly for identification as a Mississippi Choctaw.

Not represented by attorney.

Nancy Jane Braly, who presents herself for the purpose of giving additional testimony in support of application for identification as a Mississippi Choctaw, after being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Nancy Jane Braly.
- Q You live at Fitzhugh, Indian Territory? A Yes; that is my post-office, I live about seven miles further.
- Q How old are you? A Sixty-three.
- Q You made application to identify yourself as a Mississippi Choctaw before the Commission April 28, 1902? A Yes, sir.
- Q You wrote a letter to the Commission May 3rd in which you stated you made some mistake or mistakes in your application which you would like to have an opportunity to correct? A Yes, sir.
- Q In answer to that letter you received one from the Commission dated May 8, 1902, acknowledging the receipt of your letter of May 3, advising you that if you wished to correct any mistakes which you thought you made in your statements at the time of your application you would be permitted to do so upon personal appearance before the Commission, at Muskogee, Indian Territory, within thirty days from May 8, 1902, and you are here to-day in response to that letter in order to make these corrections? A Yes, sir.
- Q What mistakes did you make in your application that you want to correct now? A There was John Taylor who married a full Choctaw Indian woman.
- Q Who was John Taylor? A He was my grandfather's grandfather. He was a white man, John Taylor was.
- Q He was your grandfather's grandfather? A Yes, sir.
- Q What was his wife's name? A I don't remember her name.
- Q Full blood was she? A Yes; full blood Choctaw woman is what he always told me.
- Q Who do you claim through your mother? A Yes, sir.
- Q What was your mother's name? A Her maiden name?
- Q Well no? A Eliza A. Taylor.
- Q What was her maiden name? A Eliza A. Taylor.
- Q Did she live in Mississippi? A No, sir; she never lived there.
- Q Through which parent did she claim her Choctaw blood? A Her father James Taylor.
- Q How much Choctaw blood did James Taylor have? A Well his grandmother was a full blood.

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- Q His mother would be one-half and he one-half of that? A Yes, sir.
- Q You claim one-fourth for James Taylor; one-fourth Choctaw blood? A I don't suppose I would be one-quarter.
- Q I am asking you about James Taylor; did he have one-quarter? A Yes, sir.
- Q Now, James Taylor, did he live in Mississippi or Alabama in 1830? A He married in Alabama.
- Q In what part of Alabama did he live? A He married in Alabama but did not stay there only a short time after that.
- Q Did he live in Alabama in 1830? A No, sir.
- Q Was James Taylor's mother a full blood? A Well I don't know whether she was a full blood or not; his grandfather was.
- Q When you appeared before the Commission and made application to be identified as a Mississippi Choctaw on April 28, 1902, in a question asked you about James Taylor, your mother's father, this question was asked, "What was her father's name?" answer "James Taylor" Question, "Did he have Choctaw blood?" answer "Yes, sir." Question "He was the Choctaw ancestor who might have lived in Mississippi or Alabama and had a family there in 1830?" answer "His mother, she was a full blood.", now you want to change that statement? A Yes, sir.
- Q That is why you came to-day, to make a proper statement in regard to that? A Yes, sir.
- Q What is it you want to say in regard to the amount of Choctaw blood that James Taylor had? A I think he has got about one-quarter?
- Q Then his mother was not a full blood was she? A No, sir.
- Q She was how much? A I don't remember whether he said she was a full blood or not; her name was Elizabeth Hudguth.
- Q How do you spell that? A H-u-d-g-p-u-t-h.
- Q Then James Taylor you think had about one-quarter and his mother Elizabeth Hudguth would have about one-half? A Yes, sir.
- Q She was not a full blood then as you stated? A No, sir; Jim Taylor's,--the last question was Jim Taylor was it not.
- Q About being a full blood? A Yes, sir.
- Q Do you know whether Elizabeth Hudguth married a white man or not? A Yes, sir.
- Q Is this her married name or maiden name? A It was her maiden name, she married George Taylor.
- Q He was a white man? A No, sir; he was a son of John Taylor that married this Mississippi Choctaw.
- Q What was the name of the husband of Elizabeth Hudguth? A George Taylor.
- Q He was a white man? A No, sir.
- Q What was he then? A He was half.
- Q How much Choctaw blood did his wife Elizabeth have? A I don't know whether she had any or not; I don't remember whether George Taylor's wife had Indian blood or not.
- Q Well now what is the name of your Choctaw ancestor who lived in Mississippi in 1830 and who was the head of a family there then? A John Taylor.
- Q Who was John Taylor? A He was the father of George Taylor.
- Q Now in your examination on April 28, 1902, you say you claim your grandfather James Taylor, you claim through him; you said nothing about John Taylor; you want to make a correction? A Yes, sir.
- Q Now what do you want to tell? A John Taylor is the father of George Taylor; John Taylor is the one who married this full blooded Choctaw woman.
- Q George Taylor was the father of George Taylor? A Yes, sir.
- Q And James Taylor was your grandfather? A Yes, sir.

- Q So now you want to go back from James Taylor to his father George Taylor and then from George Taylor to his father John Taylor? A Yes, sir.
- Q And you say John Taylor married a full blooded Choctaw Indian? A Yes, sir.
- Q But you don't remember her name? A No, sir.
- Q Are you sure that John Taylor or his son George Taylor and George Taylor's son James Taylor, any of them lived in the old Choctaw Nation in Mississippi or Alabama in 1830? A John Taylor raised his family in Mississippi in 1830.
- Q Was he living in 1830, or 1820 or when? A I don't know when he came there but he went there in the early days when America was settling up; that is what my grandfather told me.
- Q In your statement, made at the time of your application, April 28, 1902, to be identified as a Mississippi Choctaw, the question was asked, "James Taylor is the ancestor who had Choctaw blood and lived in Mississippi as far as you know from what has been said in the family?" Your answer was "Yes, sir." Is that right; you want that statement to stand that way now? A Yes, sir.
- Q You further stated in answer to this question "I want you to give me the name of the Choctaw ancestor of yours who lived in Mississippi or Alabama, in 1830, and was the head of a family there then?" answer, "My grandfather that is the only one that I know." Question "and his name was James Taylor?" Answer "Yes, sir" Now you want to change that? A Yes, I want to change that. When these questions were asked me I was thinking about other things.
- Q Your object in coming before the Commission to-day is to change this testimony in regard to your grandfather James Taylor and go back to his father George and to George's father John? A Yes, sir.
- Q You now want to state that it was John Taylor who married a full blood Choctaw Indian and lived in Mississippi in 1830? A Yes sir.
- Q And are you sure he lived in Mississippi in 1830? A He raised his family there.
- Q That may have been some other time? A I can't tell you.
- Q You stated when you came before the Commission to make application on April 28, 1902 that you were sixty-two years old and that you claimed through your mother who claimed through her father James Taylor; now I only want you to go back to 1830 for the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw. I want you to go back to 1830 because it will be necessary to show the Choctaw ancestor who lived in Mississippi in 1830 and who had a family there at that time and who complied, or attempted to comply, with the provisions of article fourteen of the treaty of 1830, now if you are sixty-two years old at the present time and claim through your mother who is now dead and she claimed through her father the chances are in all probability that your grandfather James Taylor if he lived in Mississippi at all lived there somewhere about the year 1830, but you see, you go back to his grandfather; his father's name was George; his father's name John; that is going way way back? A Yes, sir.
- Q However you are privileged to testify anything you want to in reference to your application only I want you to tell me if you can the name of your Choctaw ancestor who lived in Mississippi in 1830 and had a family there then. Now are you sure it was not James Taylor, your grandfather or do you think it was George Taylor or do you think it was John Taylor, George's father? A Well George and John both.
- Q Have you any elder brothers or sisters? A Yes, I have one sister that is six years older than me, she is dead.
- Q Where were you born? A I was born in Tennessee.

- Q Now you have older brothers or sisters? A Yes, sir.
- Q How much older is your oldest brother or sister? A My brother is two years older than me? A
- Q Born in Tennessee? A Yes, sir.
- Q You said a little while ago that you had a sister older? A One sister is four years older and one is six years older.
- Q Well the one that is six years older would have been sixty nine years old; in what state was she born? A Tennessee.
- Q Where was your mother born? A In Tennessee.
- Q Did she always live in Tennessee? A Yes; until she went to Texas.
- Q She never lived in Mississippi then? A No, sir.
- Q And she never lived in Alabama? A No, sir.
- Q Now then your mother never lived in Mississippi or Alabama? A No, sir.
- Q Did her father James Taylor ever live in Mississippi or Alabama?
- A Yes; she married in Alabama and they lived there one year.
- Q Don't you think then that James Taylor is the Choctaw ancestor through whom you claim as having lived in Mississippi or Alabama in 1830? A Yes, I think so.
- Q How old would James Taylor be if he were living now? A I don't know his age.
- Q How old would your mother be if living now? A Eighty-seven, if she was living now I think.
- Q And was born 87 years ago in Tennessee? A She was born in 1816.
- Q In Tennessee? A Yes, sir.
- Q Did she ever go into the state of Mississippi or Alabama and live there? A My mother?
- Q Yes? A No, sir.
- Q Did her father afterwards go, I mean James Taylor, now deceased, go to Mississippi or Alabama and live there, after your mother's birth? A No, sir.
- Q Then according to your testimony he was not living in Mississippi or Alabama in 1830 or any other time before that? A No, sir.
- Q What evidence have you that John Taylor lived in Mississippi or Alabama? A Just what my grandfather told me.
- Q Well he must have lived there a long time before 1830? A Well my grandfather said that John Taylor went to America in the early days, I don't know what time he did go there.
- Q Your mother you say was born in 1816, in Tennessee, therefore her father James Taylor was living probably in Tennessee in 1816 and had never lived in Mississippi or Alabama you say? A No, sir he never lived there.
- Q And he did not go there afterwards and live there did he? A No, sir; he never went there; he was born if I am not mistaken in Mississippi.
- Q He was born in Mississippi what date? A I don't know what date it was.
- Q It must have been previous to 1816? A His father moved to Virginia and then after his family got grown he moved to Alabama and my grandfather raised his family in Tennessee.
- Q You cannot give me the name of any Choctaw ancestor who lived in Mississippi or Alabama in 1830 and had a family there then? A George Taylor raised part of his family in Alabama.
- Q That was previous to the year 1816, because your own mother was not born until 1816? A Why of course it was before that.
- Q Is there anything more that you can testify to, or desire to testify to in the matter of this application; any other changes in your testimony that you want to make new from the manner in which you testified April 22, 1902? A I don't know that there is; I don't hardly know what mistakes are lacking but I thought those

persons that I was putting in, it was not necessary for them to be there.

- Q Then all that you can testify to positively is this, that your grandfather James Taylor claims his Choctaw blood through his father George Taylor? A Yes, sir.
- Q And that George Taylor claims through John Taylor who was a white man and who married a full blood Choctaw Indian? A Yes, sir.
- Q And you are not able to give the name of any other ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830, are you? A No, sir.
- Q And you are not able to say whether that ancestor had a family in Mississippi at that time? A No, sir; after I understand anything why then I can answer it but when I don't understand anything why of course I can't because I can just read and write a little; I don't understand the law of fixing up papers.
- Q Have you any relatives who have made application to be identified as Mississippi Choctaws? A My brother did.
- Q What is his name? A James E. Wells.
- Q You know about when he made application? A When the Dawes Commission was at Stonewall, he made application that year.

This applicant appears on this day to give further testimony in reference to her application for identification as a Mississippi Choctaw. She changes her statement that she claims through James Taylor, her grandfather whose mother was a full blood and now says that she believes James Taylor had one-quarter Choctaw blood. She has no knowledge of any ancestor, either James Taylor, or his father George Taylor, or John Taylor who was a white man but had an Indian wife that ever lived in the state of Mississippi in 1830 or complied with article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of June 1902.

Charles H. Sawyer

Notary Public.

J.W.L.
C.V.W.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy Jane Braly, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Nancy Jane Braly,	M.C.R.	5384
William J. Timmons, et al.,	"	5385
Olive A. Barnett, et al.,	"	5386
Lula McGlain, et al.,	"	5387
Thomas Jefferson Timmons, et al.,	"	5388

--- D E C I S I O N ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Nancy Jane Braly for herself; by William J. Timmons for himself and his six minor children, Josephine, James Walter, Ira Y., Lillie May, Donie Alice and Cera Etta Timmons; by Olive A. Barnett for herself and her minor child, Willie Barnett; by Lula McGlain for herself and her minor child, Archie L. McGlain; and by Thomas Jefferson Timmons for himself and his six minor children, Minnie May, Archie L., William Jefferson, James Silas, Charlie L., and Lula I. Timmons, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation-concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Taylor, who is alleged to have married a full blood Choctaw Indian woman whose name is not given, and George Taylor and Elizabeth Taylor (nee Hudgpath), who are alleged to have been half blood Choctaw Indians, and James Taylor, who is alleged to have been a quarter blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1893 (28 Stats., 381).

It does appear however that the following applicants, Nancy Jane Braly (Nancy J. Bradley), William J. Timmons (W. J. Timmons), Olive A. Barnett (Olive Timmons), Lula McClain (Lullie Timmons), Josephine Timmons, James Walter Timmons (Walter Timmons), Ira Y. Timmons (Iris Timmons), Lillie May Timmons (May Timmons), Donie Alice Timmons (Idia Timmons), Thomas Jefferson Timmons (T. J. Timmons), Mionie Timmons (Menie Timmons), Archie L. Timmons

(Archa Timmons), William Jefferson Timmons (Jefferson Timmons), and James Silas Timmons (Silas Timmons) in the case styled Nancy J. Bralley vs. The Choctaw Nation, Choctaw Case No. 1076, made application to this Commission on September 9, 1896, for citizenship in the Choctaw Nation, under the provisions of the act of Congress approved June 10, 1896. (29 Stats., 321). Said application was refused by the Commission on December 5, 1896, and no appeal taken.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Taylor, or George Taylor, or Elizabeth Taylor (nee Hudguth), or James Taylor, or any less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Jane Braly, William J. Timmons, Josephine Timmons, James Walter Timmons, Ira V. Timmons, Lillie May Timmons, Donie Alice Timmons, Cornetta Timmons, Clive A. Barnett, Willie Barnett, Lula McClain, Archie L. McClain, Thomas Jefferson Timmons, Minnie May Timmons, Archie L. Timmons, William Jefferson Timmons, James Silas Timmons, Charlie L. Timmons and Lula I. Timmons as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

-6-

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MEMORANDUM

Tams Bixby.

Acting Chairman.

I. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

DEC 24 1907

Subdi

Choctaw R 708

Muskogee, Indian Territory, April 2, 1902.

Nancy J. Braly,

Pitshugh, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 30, 1902, asking for more time to file affidavits in response to our letter of March 20, 1902, notifying you that you would be allowed thirty days from that date within which to submit to this Commission, your affidavit corroborated by two witnesses, setting forth the fact that you claim the right to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898.

The Commission cannot consent to an extension of time within which to submit the affidavits referred to; but if the same are not submitted within the time specified, the Commission will proceed to render a decision upon your case as it now stands, but without prejudice to any rights you may still have as a Mississippi Choctaw. If you claim as a Mississippi Choctaw however, you will still be given sufficient time to personally appear before the Commission with such witnesses as you may be able to secure in support of your application for identification as a Mississippi Choctaw; and your claim both as a Choctaw and as a Mississippi

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will be acted upon at the same time.

Yours truly,

Commissioner in Charge.

Miss. Chootaw 5384

Muskogee, Indian Territory, May 8, 1902.

Mrs. Nancy J. Braly,

Fitzhugh, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 3, giving information in regard to your family, and stating that James Taylor was your mother's father, and that you made a mistake in answering some of the questions at the time you made application, as you did not understand what was meant. You are advised that it appears from your testimony that you stated that James Taylor was your mother's father, and that you derive your Chootaw blood from him.

You are advised, however, that if you wish to correct any mistakes which you think in you made in your statements at the time of your application, you will be permitted to do so upon your personal appearance before the Commission at Muskogee, Indian Territory, within thirty days from this date.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 5384

Muskogee, Indian Territory, October 16, 1902.

J. W. Coley,

Fitzhugh, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. You ask therein to be informed if the names of Thomas J. Timmons, W. J. Timmons and Nancy J. Braly are on the Mississippi Choctaw rolls.

In reply to your letter you are advised that it appears from our records that Nancy Jane Braly and Thomas J. Timmons et al. and William J. Timmons, et al. are applicants for identification as Mississippi Choctaws. No decision nor opinion has been rendered relative to their rights as such Mississippi Choctaws. The Commission, however, now has under consideration the cases of these applicants, and it is probable that a decision will be reached in the near future. As soon as a decision is reached the applicants will be notified thereof, and of the forwarding of the record in the case to the Secretary of the Interior.

Respectfully,

X
M.C.R. 5384

COPY.

Muskogee, Indian Territory, December 24, 1902.

Nancy Jane Braly,

Pitshugh, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Jane Braly, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5388
Lula McClain, et al.,	M.C.R. 5389
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Jane Braly, William J. Timmons, Josephine Timmons, James Walter Timmons, Ira Y. Timmons, Lillie May Timmons, Donie Alice Timmons, Cora Etta Timmons, Olive A. Barnett, Willie Barnett, Lula McClain, Archie L. McClain, Thomas Jefferson Timmons, Minnie May Timmons,

Archie L. Timmons, William Jefferson Timmons, James Silas Timmons, Charlie L. Timmons and Eula I. Timmons as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Dixby.
Acting Chairman

Registered.

COPY

Muskogee, Indian Territory, December 24, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Jane Braly, et al., embracing the following applications for identification as Mississippi

Choctaws:

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5383
Lula McClain, et al.,	M.C.R. 5385
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Jane Braly, William J. Timmons, Josephine Timmons, James Walter Timmons, Ira Y. Timmons, Lillie May Timmons, Donie Alice Timmons, Cora Etta Timmons, Olive A. Barnett, Willie Barnett, Lula McClain, Archie L. McClain, Thomas Jefferson Timmons, Minnie May Timmons, Archie L. Timmons, William Jefferson Timmons, James Silas Timmons, Charlie L. Timmons and Lula I. Timmons, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Acting Chairman.

CCTV

Muskogee, Indian Territory, January 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nancy Jane Braly, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 24, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5383
Lula Mc Clain, et al.,	M.C.R. 5385
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

I. D. Needles.

Commissioner in charge.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5384

Muskogee, Indian Territory, January 15, 1903.

Nancy J. Braly,

Fitzhugh, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ult., in which you ask if "the evidence produced by me is not good"; that the fifteen days granted you for filing arguments "is not sufficient to produce reasonable further argument"; that you want more time in order to communicate with your attorney.

In reply to your letter you are informed that the fifteen days from December 24, 1902, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on January 8, 1903. On January 9, 1903, the record in your case together with a decision refusing your application was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence. You will be duly notified of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

Land
2615-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Feb. 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Nancy Jane Braly for herself; William J. Timmons for himself and his six minor children, Josephine, James Walter, Ira Y., Lillie May, Donie Alice and Cora Etta Timmons; Olive A. Barnett for herself and her minor child, Willie Barnett; Lula McClain for herself and her minor child, Arthur L. McClain; Thomas Jefferson Timmons for himself and his six minor children, Minnie May, Archie L., William Jefferson, James Silas, Charlie L., and Eula I. Timmons, wherein a decision adverse to the applicants was rendered by the commission on December 24, 1902.

The papers in the case show that the applicants claim identification as Mississippi Choctaws under this application through their descent from the Indian wife of John Taylor, name unknown, and their children, James Taylor, George Taylor and Elizabeth

(Taylor) Hudgpath, who, they claim, were Choctaw Indians and residents of the Choctaw Nation at the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestors through whom they claim do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the 14th article of said treaty.

An examination of the records of this office has been made with reference to the names of James Taylor, George Taylor and Elizabeth (Taylor) Hudgpath, and it is found that their names do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being true, it is believed that the decision of the commissions rejecting the applicants was correct, and it is recommended therefore, that the decision be affirmed.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

(E.B.H.)
P.

D.C.7637-1903.
I.T.D.1366-1903.
LRS.

(Copy)

J.W.H.
FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 16, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 9, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Nancy Jane Braly (M C R 5384) for herself; of William J. Timmons for himself and his six minor children, Josephine, James Walter, Ira Y., Lillie May, Donie Alice and Cora Etta Timmons; of Olive A. Barnett for herself and her minor child, Willie Barnett; of Lula McClain for herself and her minor child, Archie L. McClain; and of Thomas Jefferson Timmons for himself and his six minor children, Minnie May, Archie L., William Jefferson, James Silas, Charlie L., and Eula I. Timmons, including your decision of December 24, 1902, refusing to identify them as such.

The principal applicant, Nancy Jane Braly, through whom the others claim, was born in 1840 in Tennessee. She obtained her Choctaw blood from her mother, Mrs. Robert Wells, formerly Eliza A. Taylor, whose degree of Choctaw blood was 1/8th. The latter obtained her Choctaw blood from her father, James Taylor, who was the son of George Taylor by his Choctaw wife, Elizabeth Hudguth.

George Taylor was the son of a white man named John Taylor, by his full blood Choctaw wife, whose name is unknown.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article fourteen of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever, bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 4, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed. respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5384

COPY.

Muskogee, Indian Territory, March 24, 1903.

Nancy Jane Braly,

Fitzhugh, Indian Territory.

Dear Madam:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Jane Braly, et al., of which decision you were advised by registered mail on the 24th of December, 1902.

Respectfully,

(SIGNED).

Jams Dixby.

Chairman.

M.C.R. 5384.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Jane Braly, et al., of which decision you were advised by mail on the 24th of December, 1902.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

M C R 5384

Muskogee, Indian Territory, May 18, 1906.

Mrs. L. A. Pemberton,

Senora, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter dated April 27th and received at this office May 14, 1906. You enclose a communication from your aunt, M. J. Braly, giving the names of a number of your kinfolks, and request to be advised as to whether or not there is any chance for you to establish your claim as a Mississippi Choctaw.

You are advised that your name does not appear upon our records as an applicant for identification as a Mississippi Choctaw, and under existing legislation this office now has no authority to receive or consider such an application.

You are further advised that the claim of Nancy Jane Braly, et al. to identification as Mississippi Choctaws was refused by the Commission to the Five Civilized Tribes December 24, 1902. This decision was affirmed by the Secretary of the Interior March 16, 1903. Therefore, Nancy Jane Braly is not in any manner entitled to share in the allotment of the lands of the Choctaws and Chickasaws at this time.

Respectfully,

Acting Commissioner.

MCR-5384

Kuskogee, Indian Territory, October 22, 1906.

Nancy Jane Braly,

Oolite, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th instant in which you request to be advised if you have a right to select land now and hold it as claims for yourself and your children William J. Timmons and Thomas J. Timmons.

In reply to your letter you are advised it appears from the records of this office that the applications of William J. and Thomas J. Timmons for the identification of themselves and their minor children as Mississippi Choctaws are included in the consolidated Mississippi Choctaw case of Nancy Jane Braly et al. In this case a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes December 24, 1902, and said decision was affirmed by the Secretary of the Interior March 16, 1903.

Inasmuch as it does not appear that there is any motion for review or reconsideration of this case now pending the Department's decision, above referred to, is considered final, and the several applicants in this case cannot be permitted to

N J B - - - - (2)

designate prospective allotments.

Respectfully,

Commissioner.

Consolidated Case
of Nancy Jane Brady.
et al

REFER TO M. C. R. 5384

SLAVE OF

No.

Town

Year

TRIBAL ENROLLMENT

Dunn
Roll
No.

Sex

Age

CREEK IN

Full Blood Choctaw

woman (name unknown)

married

John Taylor, w ?

George Taylor, 1/2 ?

married

Elizabeth Hudguth ?

James Taylor, 1/4, dead

married

Martha Wansham ?

Eliza A Taylor, dead

married

Robert Wells, dead

James Ira Taylor, ?

James E. Wells ?

mer
5384
Nancy Jane Wells, 62 ?
married

① Jordan Timmons, dead
② Braly ?

mer
5382
William J. Timmons, 44
wife

Mary L. Timmons, w

mer
5381
Thomas J. Timmons, 42
wife
Mary W. Timmons, w.

mer
5383
W. C. Timmons, ?
x

Olive A. Timmons, 21

married

Lee Barnett, w

mer
5380
Lulu x Timmons, 17

married

Robert McClain, w

mer
5381
Josephine Timmons, 15

James Walter Timmons, 13,

Ira x Timmons, 10,

Lillie May Timmons, 8,

Donie Alia Timmons, 4

Cora Etta Timmons, 1

mer
5380
Minnie May Timmons, 14

Archie L. Timmons, 12

William J. Timmons, 11

James S. Timmons, 7

Charlie L. Timmons, 5

Eula J. Timmons, 1

mer
5382

Willie Barnett, 16

mer
5381

Archie L. McClain, 14

x Denied by Dames Com. in
1886. Choctaw Case 1076

CHOCTAW.

FILED

JUL 16 1900

COMMISSION TO FIVE TRIBES.

July, 16, 1900

Nancy Jane Brady, 60. . 18.

Pittsburgh, Ind. Ter.

Father: Robert W. W. - dead

Mother: Eliza A. Gayler - dead.

Claims through mother.

Adopted by Word.

For Identification as a Mississippi Choctaw.

Date

APR 28 1902

Name *Nancy Jane Braly*Age *62.*

Blood

*'18*Post-Office, *Fitzhugh, D. T.*Father: *Robert Wells.* *d*Mother: *Eliza* *"* *d*Claims through *mother*
~~Husband.~~
Jordan Timmons. *d*~~Children:~~*Claims for self.*

Stenographer

H. C. Redman

Choctaw MCR 5385

Lula McClain

See MCR 5384

MCR 5385

7-179

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T. July 17, 1900.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Lula McLane. Being duly sworn by Acting Chairman Bixby:

- Q What is your name? A Lula McLane.
- Q What is your age? A Sixteen.
- Q What is your post office address? A Stonewall.
- Q Do you live at Stonewall? A No sir.
- Q Where do you live? A I live in the Chickasaw Nation.
- Q Whereabouts in the Chickasaw Nation? A Eight miles from Stonewall.
- Q Which way? A West of Stonewall.
- Q How long have you lived there? A Three months.
- Q Where did you live prior to that time? A I lived right close to Rolf.
- Q How long have you lived in the Indian Territory? A I have lived here all my life.
- Q You were born in the Indian Territory? A Yes sir.
- Q Have you ever lived any where else? A No sir.
- Q Have you been outside of the Indian Territory in the past three years? A No sir, I have not.
- Q Are you a sister to the Olive A. Barnett who has just made application to this Commission. A Yes sir I am a sister.
- Q How much Choctaw blood do you claim? A I could not tell you. I could not tell you exactly.
- Q How much do you think? A I guess about one sixteenth.
- Q What is your father's name? A William Timmons.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Mary Timmons.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Was your father's name ever on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Did your father ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No I don't think he did but grand-mother did for him.
- Q To the Choctaw tribal authorities? A Yes sir grand-mother did.
- Q When was this application made? A I could not tell you.
- Q Do you know anything about it to your own personal knowledge? A My grand-mother made application for him at Stonewall.
- Q In what year? A Three years ago.
- Q In 1897? A I think that is when it was.
- Q Do you know what action the tribal authorities took in that case? A No sir.
- Q Did they enroll your father or your grandmother or yourself? A No sir.
- Q They refused to enroll you? A I don't know. I was not there.
- Q It is a fact then that your father and grand mother made application to the tribal authorities in 1897? A Yes sir.
- Q But they did not put your names on the roll, neither your father or your grand mother. That is a fact, isn't it? A I don't know.
- Q Did your father or did any one for him make application to this Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A Yes sir my grand mother did.
- Q What is your grand mother's name? A Nancy Jane Braly.
- Q Your father was a party to that application made by your grand mother? A Yes sir.
- Q Was your name included in that application? A Yes sir I reckon it was.

Lula McLane 2 -----

The records of the Commission examined. 1896 Citizenship Docket C Page 379 Nancy Jane Brawley vs the Choctaw Nation. Original application filed September 9th 1896. Answer of the Choctaw Nation filed and the application denied by the Commission December 5th, 1896. There is no record of any appeal having been taken in this cause. The original papers in the application of Nancy Jane Brawley contains the name of William J. Timmons, the father of this applicant, and of Lula Timmons, the applicant herself, both being parties to the original application in this cause.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A Yes sir.

Q You have never been recognized as a Choctaw Indian by the tribal authorities of the Choctaw Nation have you? A No sir.

Q You are the identical Lula Timmons whose name appears in the original application of Nancy Jane Brawley made to this Commission in 1896 are you not? A She made application.

Q You are the identical person. That is, the Lula Timmons whose name appears in this application as the daughter of William J. Timmons, is you? A Yes sir.

Q You have heard the records read in this case and know that the Commission denied the application? A Yes sir.

Q And know that the Commission rejected your application in 1896? A Yes sir.

Q Did you or did any one for you take an appeal from the decision of this Commission in 1896? A No sir not that I know of.

Q Are you married? A Yes sir.

Q What is your husband's name? A Ralph McLane.

Q Do you make any claim for him? A No sir.

Q He is living? A Yes sir.

Q What is his age? A Thirty.

Q Have you any children? A No sir.

Q This application is only made for yourself? A Yes sir.

Q This is the first application you have ever made to this Commission? A Yes sir.

Q Is there any additional statement that you desire to make at this time in support of your application? A No sir.

Q Are there are papers in the way of affidavits or other proper evidence that you desire to introduce at this time in for the consideration of this Commission? A No sir.

The decision of the Commission as to your application for enrollment as a citizen by blood of the Choctaw Nation will be based upon your oral testimony given at this time and such written evidences as you now desire to offer in support of your application and the decision of the Commission will be mailed to you in writing in the near future at your present postoffice address.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes in said case.

Myra Young

Sworn to and subscribed before me this 26 day of July 1900.

[Signature]
Acting Chairman.

23

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 28, 1902.

5385.

In the matter of the application of Lula McClain for the identification of herself and her minor child, Archie L. McClain as Mississippi Choctaws.

(Applicant not represented by attorney)

Lula McClain, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lula McClain.
Q What is your age? A Seventeen.
Q What is your post office address? A Fitzhugh.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A About seven years.
Q How long have you lived in Indian Territory? A I have been here all my life.
Q Where were you born? A In the Chickasaw Nation.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q You claim through which parent, father or mother? A Father.
Q What is your father's name? A William Timmons.
Q Has he any middle name? A Yes sir, his full name is William Jackson Timmons.
Q What is your mother's name? A Mary L. Timmons.
Q How much Choctaw blood do you claim? A I don't know.
Q When and where were your father and mother married?
A They was married in Cook County, Texas.
Q When were they married? A I couldn't tell you.
Q Were they married by a minister and under license? A Yes sir.
Q Have you the proof of their marriage with you now? A No sir.
Q You can introduce it later, can you? A Yes sir.

(Reasonable time will be allowed for that purpose.)

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
Q Did you ever hear that he was enrolled as a Choctaw Indian in the Choctaw Nation? A Yes sir, I believe I have heard it.
Q The question is---Is your father a Choctaw Indian now, having all the rights of a Choctaw Indian in Indian Territory? A Yes sir.
Q He is here today is he not to make application? A Yes sir.
Q How in the world can he be a Choctaw Indian with all the rights of one, if he is here today to make application to be identified as a Mississippi Choctaw? A Well, I mean he is here today to make application.

- Q Are you married? A Yes sir.
- Q What is your husband's name? A Robert McClain .
- Q He is a white man? A Yes sir.
- Q He does not claim any Choctaw blood? A No sir.
- Q You make no claim for your husband? A No sir.
- Q How many children have you? A One.
- Q How old is that child? A Four months old.
- Q And what is its name? A Archie L. McClain.
- Q Is Robert McClain the father of that child? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q You claim for yourself and child? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir.
- Q Did you or any one for you make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A Yes sir.
- Q What was done with that application do you know? A No sir, I do not know.
- Q You never were admitted, were you? A No sir.
- Q You afterwards made application for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.
- Q Can you tell when that application was made? A In 1900.
- Q Was it July 17, 1900? A Yes sir.
- Q Here at Muskogee? A Yes sir.
- Q Application was made for you then under the name of Lula McLane? A They have got my name wrong--It should be Lula McClain.
- Q But you are the same person whose name appears as Lula McLane upon the records of the Commission? A Yes sir.
- Q What was done with that application? A I don't know.
- Q You never received word that it was decided one way or the other? A No sir.
- Q You received a letter from the Commission dated April 8, 1902, which told you that you might appear before the Commission within thirty days from the date of that letter and make application for identification as a Mississippi Choctaw, and that if you did not appear a decision would be rendered upon your previous application and you would be advised of it? A Yes sir.
- Q Do you want to have this application made by you in 1900 for enrollment as a Choctaw by blood and the record made in that application considered with this present application and made a part of it? A Yes sir.
- Q You never have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27 day of September, 1830, and was made for the purpose of removing all of the Choctaw Indians from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and therefore to protect the interests of those Indians who stayed back east of the Mississippi river, article fourteen was put into that treaty, and it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors ever comply or attempt to comply with any of the provisions of that article of that treaty? A I don't know.

Q What relation is Nancy Jane Braly to you? A My grandmother.

Q And she claims her Choctaw blood through whom? A Through James Taylor, her ~~xxx~~ grandfather and Eliza Wells her mother.

Q How much Choctaw blood did James Taylor have? A I do not know.

Q What was the name of the husband of Eliza A. Taylor? A Robert Wells.

Q He was a white man? A Yes sir.

Q What relation was James Taylor to you? A Great great grandfather.

Q Did he live in Mississippi in 1830 and have a family there then? A I don't know.

Q Did his daughter, Eliza Wells, live there in Mississippi in 1830 and have a family there at that time? A I don't know.

Q How old would James Taylor be if living now? A I do not know.

Q Did he speak the Choctaw language or have a Choctaw Indian name? A I don't know, I never heard him talk.

Q According to the testimony of your grandmother, Nancy Jane Braley given on this date before the Commission in her application to be identified as a Mississippi Choctaw, she gives as

Lula McClain, et al.,-----4

her opinion that it is a matter of family history and tradition that her grandfather, James Taylor lived in the old Choctaw Nation in Mississippi in 1830 and was the head of a family there then---Do you know anything about that? A No sir, I do not.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw ~~Ind~~ Nation, Indian Territory, west of the Mississippi river, with the other Indians under the treaty of 1830 between the years 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.

Q Did any of them within six months after the ratification of the treaty of Dancing Rabbit Creek go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I do not know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory, were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register, and his neglect to do this caused a great many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements; they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians? A I don't know.

Q Do you speak the Choctaw language? A No sir.

Q Is Nancy Jane Braly your grandmother? A Yes sir.

Q What relation is Olive A. Barnett? A My sister.

Q Do you want to have their cases consolidated with yours as well as other applicants who may appear here claiming through the same common ancestor? A Yes sir.

Q Have you any other evidence you want to introduce? A Yes, sir, we have some witnesses here.

Q Beyond the time given for the introduction of the testimony of those witnesses, do you want further time in which to prove your claim? A No sir.

Lula McClain, et al 5

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown eyes, medium fair complexion and brown hair. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

-----000-----

H C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me this 28th day of April, 1902.

Harriet M. Wood

Notary Public.

COPY

Muskogee, Indian Territory, December 24, 1902.

Lula McClain,

Fitzhugh, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Jane Braly, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5383
Lula McClain, et al.,	M.C.R. 5385
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Jane Braly, William J. Timmons, Josephine Timmons, James Walter Timmons, Ira Y. Timmons, Lillie May Timmons, Donie Alice Timmons, Cora Etta Timmons, Olive A. Barnett, Willie Barnett, Lula McClain,

Archie L. McClain, Thomas Jefferson Timmons, Winnie May Timmons, Archie L. Timmons, William Jefferson Timmons, James Silas Timmons, Charlie L. Timmons and Eula I. Timmons as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.
Acting Chairman.

Registered.

H.C.R. 5554.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Lula McClain,

Fitchhugh, Indian Territory.

Dear Madam:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Jane Braly, et al., of which decision you were advised by registered mail on the 24th of December, 1902.

Respectfully,

(SIGNED).

Tams Dixie.
Chairman.

FILED
JUL 17 1900
COMMISSION TO FIVE TRIBES.

Lulu Mc. Lane. 16. 1/16.

Stonewall. Ind. Ter.

Father: Wm J. Timmons - ✓
Mother: Mary Timmons - ✓
Claims through father.

Husband

Robert Mc. Lane 30.

Chose by blood
July, 17th, 1900.

For Identification as a Mississippi Choctaw.

Date

APR 28 1902

Name *Lula Mc Clain.*

Age *17* — Blood *Don't know.*

Post-Office, *Fitzhugh, D. T.*

Father: *William Timmons L.*

Mother: *Mary L. " L.*

Claims through *father* —
Husband Robert Mc Clain, W.

No claim for husband

Children:

Archie L. Mc Clain, 4 m

*Claims for self &
child*

Stenographer *J. C. Redman*

Choctaw MCR 5386

William J. Timmons

See MCR 5384

MCR 5386

7-18709

Department of the Interior
Commission to the Five Civilized Tribes.
Tuskogee, I. T. July 16, 1900.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of William J. Timmons and his five minor children. William J. Timmons being duly sworn:

Q What is your name? A William J. Timmons.
Q What is your age? A Forty-three.
Q What is your postoffice address? A Rolf.
Q Do you live at Rolf? A Four miles from Rolf.
Q Have your place of residence and business four miles from Rolf? A Yes sir.
Q How long have you lived there. A Along about four years.
Q You have lived there continuously for the past four years?
A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A Yes sir I was over in Texas.
Q How long did you remain in Texas? A A couple of days.
Q You never removed from the Indian Territory with the idea of establishing your residence at any other place? A No sir. Have been here for 21 years.
Q You have lived in the Indian Territory twenty one years?
A Yes sir.
Q How much Choctaw blood do you claim? A Well sir, I claim about one eighth.
Q What is your father's name? A Jerden Timmons.
Q Is your father living? A No sir.
Q What is your mother's name? A Braly.
Q Nancy Jane Braly? A Yes sir.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Was she ever recognized by the Choctaw tribal authorities as a citizen? A Not that I know of. People in the neighborhood said so.
Q Who, the white people? A No the full bloods.
Q They were not the tribal authorities were they? A No sir.
Q Did your mother make application in 1896 to this Commission for citizenship in the Choctaw Nation? A Yes sir.
Q What action did this Commission take? A I could not tell you.
Q You heard the record read here, didn't you? A Yes sir.
Q You know then that she was rejected? A Yes sir.
Q You have knowledge of the fact then that she was rejected?
A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, not that I know of.
Q Did you ever make application for citizenship in the Choctaw Nation to the tribal authorities of that Nation? A No sir.
Q Did you or did any one for you make application in 1896 to the Commission for citizenship in the Choctaw Nation? A Yes sir.
Q What action did this Commission take in regard to your case? A They rejected us I reckon.
Q Was there any appeal taken from the decision of this Commission? A Not that I know of.

Records of the Commission examined, 1896 Citizenship Docket C page 379, Choctaw case No. 1076 Nancy Jane Braly vs the Choctaw Nation. Original application filed September 9th, 1896.

William J. Timmons & -----

answer of the Choctaw Nation filed. The application rejected by the Commission December 5th 1896. No record of any appeal having been taken. The name of William J. Timmons and his eight children, W. C., Olive, Lula, Josephine, Walter, Iria, May Ida appear in the original application in the case of Nancy J. Braly vs the Choctaw Nation.

Q Are you married? A Yes sir.
Q What is your wife's name? A Mary.
Q Mary what? A Mary Timmons.
Q Is she living? A Yes sir.
Q How old is she? A She is 38.
Q Do you make any claim for her? A No sir.
Q Have you any children under 21 years of age and unmarried?
A Yes sir.
Q Do you desire to make application for them? A I do for five of them.
Q They are under 21 years of age and unmarried? A Yes sir.
Q Give their names and ages? A Josie, Josephine.
Q How old is Josephine? A She is thirteen years old.
Q The next one? A Walter.
Q All right, sir. A He is eleven.
Q The next one? A Iria.
Q How old? A Eight.
Q The next one? A Lilly May.
Q How old is Lilly May? A She is seven.
Q What is the name of the next one? A Donnia. She has been born since then.
Q How old is she? A Two years old.
Q Is that all? A Yes sir.
Q You are the father of these five children? A Yes sir.
Q Mary Timmons is the mother of all of them? A Yes sir.
Q These children all live with you at your home? A Yes sir.
Q Any additional statement you desire to make at this time in support of your application and the application you make on behalf of your children? A No sir.
Q Any written evidence you desire to file with the Commission for its consideration in regard to your case? A Nothing more.

The decision of the Commission in regard to your application and the application you make on behalf of your five minor children will be based on your oral testimony given at this time and such written evidence as you now submit for the consideration this Commission and the decision of the Commission will be forwarded to you in writing some time in the near future at your present post office address.

Myra Young, being duly sworn states that as stenograph to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes in said case.

Myra Young

Sworn to and subscribed in my presence this 26 day of July 1900.

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 28, 1902.

5386.

In the matter of the application of William J. Timmons for the identification of himself and his six minor children, Josephine, James Walter, Ira Y., Lillie May, Donie Alice and Cora Etta Timmons as Mississippi Choctaws.

(Applicant not represented by attorney)

William J. Timmons, having been first duly sworn upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William J. Timmons.
Q What is your age? A Forty four.
Q What is your post office address? A Roff, Indian Territory.
Q How long have you lived at Roff or near Roff? A Six years.
Q Where did you live before that? A Down on Red River.
Q In Indian Territory? A Yes sir.
Q How long? A About seven years.
Q And before that you lived where? A Tishomingo County.
Q How long have you lived in Indian Territory? A I have lived in Indian Territory ever since I was about seventeen years old.
Q Where were you born? A Eastern Texas.
Q And lived in Texas until you were seventeen years old? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Jordan Timmons.
Q What is your mother's present name? A Nancy Jane Braly.
Q She made application to be identified as a Mississippi Choctaw on this date? A Yes sir.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A I claim to be about one sixteenth part.
Q Your mother claims one eighth? A Yes sir.
Q And she claims through which parent? A Her mother.
Q And her mother through which parent? A Her father.
Q And his name was what? A James Taylor.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is your wife's name? A Mary L. Timmons.
Q Is she a Choctaw or a white woman? A White woman.
Q Do you make any claim for her? A No sir.

William J. Timmons, et al.,-----2

- Q How many children have you under twenty one years of age and unmarried? A Six.
- Q Give the name of the oldest? A Josephine.
- Q How old is she? A She is fifteen.
- Q Next? A James Walter.
- Q How old? A He is thirteen.
- Q Next? A Ira Y.
- Q How old? A Ten years old.
- Q Next? A Lillie May.
- Q How old? A Eight years old.
- Q Next? A Donie Alice.
- Q How old? A She is four years old.
- Q Next? A Cora Etta.
- Q How old? A A year old.
- Q Is that all? A Yes sir.
- Q Is Mary L. Timmons the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Are you and she living together as husband and wife? A Yes sir.
- Q Have either of you been married before you married each other? A No sir.
- Q These children are all living with you at your home? A Yes sir.
- Q When and where were you married to your wife? A Cook county
- Q What state? A Texas.
- Q When? A It will be twenty four years the 6th of this coming January.
- Q By a minister and under license? A Yes sir.
- Q Have you the marriage certificate with you now? A No sir.
- Q Can you present evidence of your marriage if given time?
- A Yes sir.

(Reasonable time will be allowed for that purpose.)

- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Did you make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A Yes sir.
- Q Did you make application yourself for yourself and children?
- A Yes sir.
- Q What was done with that application do you remember? A No sir, I never knew anything about it until I appeared here before the Commissioners.
- Q You didn't know what action had been taken with reference to your application in 1896 when you appeared before the Commission in 1900 to be enrolled? A No sir.

William J. Timmons, et al-----3

Q Afterwards, then, on July 16, 1900 you made application for enrollment as a citizen by blood of the Choctaw Nation for yourself; and also for your minor children, didn't you? A Yes sir.

Q Was any action taken on that application? A Not that I know of.

Q Do you now come before the Commission to make application for identification as Mississippi Choctaws for yourself and all your children? A Yes sir.

Q And do you want to have the record made by you in your application for enrollment before the Commission July 16, 1900, at Muskogee, made a part of the record of this present application?

A Yes sir.

Q You waive that application and merge that application into this one? A Yes sir.

(The application made by this applicant, William J. Timmons for himself and children, July 16, 1900, being Choctaw R-709 is made a part of the record of this application.)

Q Do you come before the Commission at this time to make application for identification as a Mississippi Choctaw, and for these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir, I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830, and was made for the purpose of the removal of all of the Choctaw Indians from that Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory. Before the treaty could be signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty of 1830; the treaty then became signed and afterward was ratified. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty?
A I don't believe I do.
Q Do you know what a treaty is? A No sir, I don't understand what the intention of that treaty was.
Q Do you know what a treaty is? A No sir.
Q You understand what a contract is? A Yes sir.

A contract in writing is an agreement and all the conditions are put into that contract. A treaty is exactly the same thing as a contract in writing between individuals only it is made between nations. The minute that contract in writing is made between nations---two or more---they call it a treaty; that is the name they give it. Such a treaty was made between the United States government and the Choctaw Indians in 1830 and the object of that treaty was to get the Indians through their representatives to agree to go from the old Choctaw Nation to the new Choctaw Nation west of the Mississippi river or in Indian Territory. The object was to get them out of Mississippi and Alabama and into the Choctaw Nation, Indian Territory, where the government could protect them, which it could not do back there in the states. The treaty was made and was ready to be signed when about six thousand Choctaw Indians said we will not go to the nation; we will stay here in the old Choctaw Nation. Something had to be done then. They demanded that something should be put into the treaty to protect those who stayed and the other Indians who said they would go, said to the United States government's representatives, do something--put something into the treaty to protect these Indians that stay back. So they drafted a few words which they called an article, and named afterwards article fourteen in the treaty. And article fourteen is what Mississippi Choctaws claim under now. If that article had not been put into that treaty you would not be here and if the government had not made the Curtis Bill and said in that bill, in section twenty one, that the Dawes Commission could identify Mississippi Choctaws under article fourteen of the treaty of 1830, you would not be here today. The object of that treaty was to remove all of the Choctaw Indians from the old Choctaw Nation to the new Choctaw Nation in Indian Territory and the object of article fourteen was to protect the rights of the Choctaw Indians who stayed back in the old Choctaw Nation. That article said they could stay back there if they wanted to--they need not go to the Indian Territory unless they wanted to; but if they did stay back there they must within six months after the ratification of the treaty go to Colonel Ward, the United States Indian Agent, personally, and tell him that they wanted to stay back there in the old Choctaw Nation in Mississippi and Alabama and become citizens of the states and no longer be considered Choctaw Indians. That is what we call complying with the provisions of article fourteen of the treaty of 1830. If they did that then they could take land in the old Choctaw Nation mostly in Mississippi and if they lived on it five years they could get a deed from the government and they could have the land

forever as theirs. If they did those things and wanted afterwards to go to the Choctaw Nation, Indian Territory, they could give their land away, or sell it, or abandon it and go right over the Mississippi river to the Choctaw Nation and become citizens of the nation just the same as if they had formerly removed, except they could not have any portion of the Choctaw annuities which was a money payment made to the Indians for a number of years after they had removed to the territory under the general provisions of that treaty.

Q Do you understand that now? A If I understand it we come under that head.

Q You understand that article fourteen was for the protection of the Choctaw Indians who stayed back in the old Choctaw Nation? A Yes sir.

Q And if he complied with the provisions of that article he could afterwards go to the Choctaw Nation, Indian Territory and become a citizen? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Eliza A. Taylor.

Q What was her father's name? A James Taylor/

Q Did James Taylor live in Mississippi in 1830? A I do not know.

Q Whom did Eliza A. Taylor marry? A Robert Wells.

Q Then her married name was Eliza A. Wells? A Yes sir.

Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A Never that I know of.

Q Did you ever hear of any Choctaw ancestor of yours who lived in the old Choctaw Nation in Mississippi and Alabama and had a family of children there then? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A Not that I know of.

Q Did any of them own any land or claim any under article fourteen of the treaty of 1830. A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of that treaty and signify to him their intention to remain in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do this caused a great many Indians who had land in Mississippi upon which they had improvement to lose both their land and improvements-- both were taken from them by the government and sold at its

public land sales. This caused so many complaints upon the part of the Choctaw Indians that Congress in 1837 by an act approved March 3 of that year appointed a commission, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23 of that year, Congress appointed another Commission, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions, that of 1837 or that of 1842 and claim benefits as Choctaw Indians? A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had occupied in Mississippi and which the government had taken from them and sold? A No sir, not that I know of.

Q What relation is Lula McClain to you? A She is my daughter.

Q And Nancy Jane Braly? A She is my mother.

Q And Olive A. Barnett? A She is my daughter.

Q Do you want to have their cases considered with yours and all consolidated together as claimants through the same common ancestor? A Yes sir.

Q Have you any other evidence to introduce? A We have two witnesses here.

Q Do you care for any time after these witnesses are heard to introduce other evidence? A No sir, I reckon not.

Q Can you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium fair complexion, brown eyes, dark brown hair; light brown moustache. He does not speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

-----oOo-----

H C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this *H. C. Risteen*
29th day of April, 1902. *Wm. J. Timmons* Notary Public.

Miss. Choctaw. 5386

Muskogee, Indian Territory, May 23, 1902.

William J. Timmons,

Roff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between W. W. Timmons and M. L. Thomas, which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 5386

Muskogee, Indian Territory, December 24, 1902.

William J. Timmons,

Reff, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Jane Braly, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5383
Lula McClain, et al.,	M.C.R. 5385
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Jane Braly, William J. Timmons, Josephine Timmons, James Walter Timmons, Ira Y. Timmons, Lillie May Timmons, Donie Alice Timmons, Cora Etta Timmons, Olive A. Barnett, Willie Barnett, Lula McClain,

Archie L. McClain, Thomas Jefferson Timmons, Minnie May Timmons, Archie L. Timmons, William Jefferson Timmons, James Silas Timmons, Charlie L. Timmons and Hula I. Timmons as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Birby.

Acting Chairman.

Registered.

M.C.R. 5386.

COPY.

Muskogee, Indian Territory, March 24, 1903.

William J. Timmons,

Reff, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirms the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Jane Braly, et al., of which decision you were advised by registered mail on the 24th of December, 1902.

Respectfully,

(SIGNED).

James Dinkley
Chairman.

FILED

JUL 16 1900

COMMISSION TO FIVE TRIBES.

William J. Trimmors. 43. $\frac{1}{8}$
Roff. Ind. Ter.

Father: Jordan Trimmors - dead.

Mother: Nancy J. Braly - v.

Claims through Mother.

Wife: Mary Trimmors - 38.

Josephine Trimmors 13

Walter " " 11

Eric " " 8

~~May Ida " " "~~

Lillie May " " 7

Normie " " 2.

For Identification as a Mississippi Choctaw.

Date

APR 28 1902

Name William J. Timmons

Age 44 Blood 1/16

Post-Office. Roff. J.T. —

Father: Jordan Timmons, d

Mother: Nancy Jane Braly, l

Claims through mother,
 wife Mary L. Timmons s.l.w
 No claim for wife —

Children

Josephine Timmons,	15
* James Walter "	13
Ora G. "	10
Lillie May "	8
Bonie Alice "	4
Cora Etta "	1

Claims for self &
 also children

Stenographer H.C. ~~Kenn~~ ^{Ritter}

Choctaw MCR 5387

Thomas J. Timmons

See MCR 5384

MCR 5387

710

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T. July 16, 1900.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Thomas J. Timmons and his five minor children. Thomas J. Timmons being duly sworn:

- Q What is your age? A Thomas Jefferson Timmons?
Q What is your age? A 40.
Q What is your postoffice address? A Fitzhugh.
Q Do you live at Fitzhugh? A No sir I live five miles east.
Q You have your residence five miles east of Fitzhugh? A Yes sir.
Q How long have you lived there? A It will be five years this coming fall.
Q Have you lived there continuously for the last five years? A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A No sir.
Q How much Choctaw blood do you claim? A About one eighth I guess.
Q What is your father's name? A Jerden Timmons.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy Jane Braly.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.
Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Was she ever recognized by the tribal authorities of the Choctaw Nation as a citizen? A No sir.
Q Did she ever make application to the tribal authorities for citizenship in the Choctaw Nation? A I don't know hardly how to answer that. She sent a lot of affidavits and proofs in 1896 to the Dawes Commission.
Q To the Dawes Commission? A Yes sir.
Q Do you know what action the Dawes Commission took in 1896 in the case of your mother's application for citizenship? A No sir.

The records of the Commission examined, Choctaw 1896 Citizenship Docket C page 379 Choctaw case No. 1076 Nancy J. Braly vs the Choctaw Nation. Original application filed September 9th, 1896 and the answer of the Choctaw Nation filed thereto. On December 5th, 1896, the Commission denied the application and there was no record of any appeal having been taken.

- Q Was your name in the application made by your mother for citizenship in the Choctaw Nation in 1896? A Yes sir.
Q You were a party to that action? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities for enrollment? A Nothing more than just what my mother made.
Q She stated she never made any application. A Yes sir I know she did.
Q Did she in fact make any application? A She made application in 1896 just as I told you.
Q We are talking about the tribal authorities. She stated she never made application to the tribal authorities. A I don't understand.
Q You understand that the tribal authorities are the Indian authorities? A As for myself I never did anything of the kind. Ma she's been doing everything, looking after it all.
Q Are you married? A Yes sir.

Thomas J. Timmons 2-----

- Q What is your wife's name? A Her maiden name was Moore.
Q What is her given name? A Mollie.
Q Her name now is Mollie Timmons isn't it? A Yes sir.
Q Are you making any claim for her? A No sir.
Q She is a white woman? A Yes sir.
Q How old is she? A Thirty.
Q Have you any children? A Yes sir.
Q They are under twenty one years of age and unmarried? A Yes sir.
Q How many have you? A Five.
Q What are the names of your children under 21 years of age and unmarried? A Minnie, Archie, Jefferson, Silas-
Q Now, how old is Minnie. A She is thirteen I believe.
Q What is the next one? A Archie. I can't remember their ages exactly.
Q How old is Archie? A He is eleven.
Q What is the name of the next one? A Jefferson.
Q How old is Jefferson? A Eight.
Q What is the name of the next one? A Silas.
Q How old is Silas. A He is five.
Q The next one? A Charles.
Q How old? A He will be three his next birthday.
Q You are the father of all these children? A Yes sir.
Q Mollie Timmons is the mother of all of them? A Yes sir.
Q These children all live with you at your home? A Yes sir.
Q Were their names in the original application that was made to this Commission in 1896 in the case of Nancy Jane Braly vs the Choctaw Nation? A Yes sir.
Q They were? A All of them with the exception of Charley.

The original papers in the case of Mary Jane Braly vs the Choctaw Nation contain the names of Thomas Jefferson Timmons and his four children, Minnie, Archie, Jefferson and Silas. Application denied and no appeal taken.

- Q Is there any additional statement you desire to make? A No sir.
Q Any written evidence you desire to file with the Commission for consideration in regard to your application? A No sir nothing more than what my mother has.
A That is all, sir.

The decision of the Commission in regard to your application and the application that you make on behalf of your five minor children for enrollment as citizens by blood of the Choctaw Nation, will be based on your oral testimony given at this time and such written evidence as you now submit for the consideration of this Commission, and the decision of the Commission in regard to your application will be mailed to you some time in the near future at your present postoffice address.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case, and that the foregoing is a true, full and correct transcript of her stenographic notes in said case.

Myra Young

Sworn to and subscribed in my presence this 26 day of July 1900.

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#5387.

-----cOo-----

In the matter of the application of Thomas J. Timmons for the identification of himself and his six minor children, Minnie May, Archie L., William J., James S., Charlie L., and Lula I. Timmons, as Mississippi Choctaws.

Applicants not represented by attorney.

Thomas J. Timmons, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas J. Timmons.
Q What is your age? A Forty-two.
Q What is your post office address? A Fitchugh.
Q Indian Territory, is it? A Yes sir, Indian Territory.
Q How long have you lived at Fitchugh? A Seven years this fall since I moved in there.
Q Where did you live before that? A Red River.
Q What Nation? A Chickasaw.
Q How long have you lived in the Indian Territory? A Ever since I was about fifteen years old.
Q Where did you live at that time and before? A I lived in Texas.
Q Born there? A Yes sir.
Q Is your father living? A No sir.
Q Mother living? A Yes sir.
Q What was your father's name? A My father's name was Jordan Timmons.
Q What is your mother's name? A Nancy Jane Braly.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q Your mother married again after the death of her first husband, did she? A Yes sir.
Q How long has he been dead? A Which one? The last husband or the first one?
Q Are both dead? A Yes sir.
Q First one? A Don't know.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A Sixteenth.

Thomas J. Timmons et al.,--2.

- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q And she is a white woman or Choctaw? A White woman.
- Q What is her name? A Her name is Mary W. Timmons.
- Q You make no application for your wife do you? A No sir.
- Q Have you any children you want to make application for? A Yes sir.
- Q Any children under twenty-one years of age and unmarried? A Yes sir.
- Q How many? A Got six.
- Q What is the name of the oldest? A Minnie May Timmons.
- Q How old is she? A She's fourteen.
- Q What is the name of the next? A Archie L. Timmons.
- Q Is that a boy or girl? A Boy
- Q How old is he? A Twelve.
- Q What is the name of the next? A William J. Timmons.
- Q How old is William? A Eleven years old.
- Q What is the name of the next child? A James S. Timmons.
- Q How old is he? A Seven years old.
- Q What is the name of the next child? A Charlie L. Timmons.
- Q How old is Charlie Lee? A Five years old.
- Q The next? A Eula I. Timmons.
- Q How old is Eula? A She's one year old.
- Q Are you the father of these children? A Yes sir.
- Q Six children? A Yes sir, six.
- Q Is Mary W. Timmons the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Are they living with you at your home? A Yes sir.
- Q Are you and your wife living together as husband and wife? A Yes sir.
- Q When and where were you married to your wife? A Married in Chickasaw.
- Q When? A Been about seventeen years this fall.
- Q Do you remember the exact date? A No sir, I don't remember the exact date. It was about the 10th of the month.
- Q Have you the proof of that marriage with you? A No sir, I haven't got it with me.
- Q Can you introduce that later if you were given time? A Yes sir; the marriage is recorded at Gainesville.

Reasonable time will be allowed for that purpose.

- Q Is your name or the names of your children on the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A Yes sir.

Thomas J. Timmons et al.,--3.

- Q What was done with that application made at that time?
A I don't know.
Q Did you ever hear from it at all? A No sir.
Q How you made application before the Commission under the law of June 10, 1896; Mr. Timmons do you mean to say that you do not know whether you were admitted or rejected at that time?
A No sir, I don't.
Q You made application for citizenship in the Choctaw Nation which carried with it an interest in a good many acres of land, four or five hundred, and you don't know whether you were admitted or not you say. Why? Why? Why don't you? You ought to know, why don't you? And if you don't know that you were rejected, then why do you come here now to make application? Don't you know, as a matter of fact, that you were rejected then? A No action was taken in '96.
Q Then you know you were not admitted to citizenship don't you?
A Yes sir, I didn't understand you.
Q How you made application at another time to the Dawes Commission for enrollment as a Choctaw citizen did you not? A Yes sir.
Q When was that? A 1900.
Q Do you remember the exact date? A 16th day of July, if I am not mistaken.
Q What was done with that application, anything? A I don't know what.
Q No action taken as far as you know? A No sir.

Records show that at Muskogee, Indian Territory, on July 16, 1900, this applicant made application for enrollment as a citizen by blood of the Choctaw Nation in his own behalf, and in behalf of his five minor children; his case is R 710.

- Q Now Mr. Timmons, do you want to have this case made a part of the records in the present application and annulled as far as this application for citizenship by blood is concerned, so that all the testimony you have given before the Commission will be considered under the present head? A Yes sir.

The record in the application made by him at that time---R 710---is hereby made a part of the record in the present application.

- Q You now come before the Commission do you to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I have heard it explained.
Q Do you understand it, or do you want further explanation?
A I don't know whether I exactly understand it or not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek. It was made on the 27th day of September, 1830, and was made for the purpose of removing, as far as practicable, all the Choctaw Indians who lived in the old Choctaw

Thomas J. Timmons et al., 4.

Nation east of the Mississippi river in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation in Indian Territory, under the treaty. Some provision was required and demanded of the agents of the government by the Choctaw Indians who elected to stay back in the old Choctaw Nation. That demand led to the drafting of article fourteen of the treaty of 1830, which was inserted into the treaty, after which the treaty was signed and later on became ratified on the 24th day of February, 1831. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon saidlands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of that treaty?
- A No sir, not that I know of.
- Q In your application made July 16, 1900, you gave in the name of one child as Minnie; is that Minnie May? A Yes sir.
- Q You gave in the name of another as Archie; is that Archie L.?
- A Yes sir.
- Q You gave in another as Jefferson; is that William Jefferson?
- A Yes sir.
- Q You gave another as Silas; that's James Silas? A Yes sir.
- Q Charlie L.; you gave that as Charlie did you not, two years ago? A Yes sir.
- Q And Eula I. has been born since you made application in 1900?
- A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother.
- Q Now go back as far as you can? A As far as I can go?
- Q As far as you can? A I knew one of the Taylors--J. I. Taylor.
- Q I want you to go back to a remote ancestor. Do you know what ancestor means? A No sir.
- Q It means a relative from whom you are descended; grandmother, grandfather, great-grandfather etc.

Thomas J. Timmons et al.,--5.

- Q Didn't you ever hear of Nancy Jane Braly? A Yes sir.
- Q Well she is before the Commission at the present time isn't she? A Yes sir.
- Q And has made application to be identified to-day has she not? A Yes sir.
- Q Now go back farther and give me the remote ancestor in a direct line from which you are descended, of a Mississippi Choctaw who lived in the old Choctaw Nation in Mississippi and Alabama in 1830? A No answer.
- Q Well what was her mother's name? A Elisa Wells.
- Q And her maiden name was what? A Eliza Taylor.
- Q And she claimed through which parent? Father or mother? A Claims under father I think.
- Q What was his name? A James Taylor.
- Q What relation was James Taylor to you? A James Taylor was my mother's grandfather--my great-grandfather.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Did he have any Choctaw blood? A He claimed it.
- Q How much? A I don't know how much.
- Q Did he have a Choctaw Indian name or speak the Choctaw language? A I don't know whether he could or not.
- Q How old would he be if living now? A I don't know that.
- Q Where was your mother born? A Tennessee.
- Q And removed from Tennessee to what state? A Texas.
- Q And lives there now? A No sir, Chickasaw Nation.
- Q Went from Tennessee to Texas and then to Chickasaw Nation? A Yes sir, to the Chickasaw Nation.
- Q Can you give us any more information in regard to James Taylor as a Choctaw ancestor and whether or not he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.
- Q Did he own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830? A I don't know.
- Q Did he, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him he wanted to stay there and take land in that state and become a citizen of the states? A I don't know.
- Q Did he go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know that.
- Q Did he own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Indians did so whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused a great many Indians

Thomas J. Timmons et al.,--6.

who held land in Mississippi and Alabama, upon which they had improvements, to lose both the land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your ancestors go before either of these two Commissions and claim benefits under article fourteen? A No sir, not that I know of.
- Q What relation is William J. Timmons to you? A My brother.
- Q Lula McLane? A She's my niece.
- Q Mary Jane Braly? A She's my mother.
- Q Olive A. Barnett? A She's my niece.
- Q These have all appeared to-day to be identified as Mississippi Choctaws haven't they? A Yes sir.
- Q Do you want to have their testimony and yours considered together and consolidated with others who have appeared here claiming through the same common ancestor? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any further testimony you want to offer? A No sir, no more than we have two witnesses here with us.
- Q Would you like further time for hearing those witnesses? A No sir.
- Q Is there anything more you want to say? A No sir, nothing that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark brown eyes, medium dark complexion, dark brown hair and lighter brown mustache; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Applicant excused.

Jasper Curry, being first duly sworn as a witness, testified in reference to the applications of Olive A. Barnett et al., M.C.R. 5383; Nancy Jane Braly, M.C.R. 5384; Lula McClain et al., M.C.R. 5385; William J. Timmons et al., M.C.R. 5386; and Thomas J. Timmons et al., M.C.R. 5387, as follows:

- Q What is your name? A Jasper Curry.
- Q What is your age? A Thirty-six.
- Q What is your post office address? A Franks.
- Q Franks, Indian Territory? A Yes sir.
- Q Are you a citizen of the Choctaw Nation? A No sir.

Thomas J. Timmons et al.,--7.

- Q What is your occupation? A Farming.
- Q How long have you lived there? A I lived there six years near Franks, not in the city of Franks.
- Q Do you know these parties: Olive A. Barnett, Nancy Jane Braly, Lula McClain, William J. Timmons and Thomas J. Timmons?
- A Yes sir.
- Q Are you related to them in any way? A No sir, none at all.
- Q What do you know about their having Choctaw blood? A I don't know anything only from talk--their talk and what I have heard.
- Q Heard in the neighborhood? A Yes sir.
- Q Within how long a time? A Last sixteen years. I knew them about sixteen years.
- Q Then you don't know anything further than that about their having Choctaw blood? A No sir.
- Q That is family report and hearsay is it? A Yes sir. They have always claimed to have Choctaw blood ever since I first knew them.
- Q For the last sixteen years they have claimed it? A Yes sir.
- Q How long have you known the uncle of Nancy Jane Braly?
- A About twelve years I reckon; somewheres there about.
- Q What was his name? A James Taylor.
- Q Was he related to the James Taylor from whom Nancy Braly claims descent? A I suppose so.
- Q Testify to anything that you know in reference to the Choctaw blood of these applicants; in reference to their Choctaw ancestry or to their ancestors having complied with article fourteen of the treaty of 1830. If there is anything more that you can think of---anything that you know? A That's all I know.
- Q Did you know the uncle of Nancy J. Braly? A Yes sir.
- Q Did you know whether he had any Choctaw Indian blood?
- A Well, I would judge he did from his----had Indian blood of some sort; I couldn't tell what sort.
- Q Did he show it in his manner? A Yes sir, he did.
- Q Do you know anything about whether the ancestors of these claimants, any of them, complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't know.
- Q Did you know James Taylor the father of Eliza Wells and the grandfather of Nancy J. Braly? A No sir.
- Q Is there anything further that you can testify in support of their claim at this time? A No sir.
- Q State what you know about James Taylor, the uncle of Nancy Jane Braly? A I knew that he claimed to be Choctaw and showed it from his looks and features every way. He favored an Indian considerably.

Witness excused.

J. S. Findley, being duly sworn as a witness, testified as follows in reference to the applications of Olive A. Barnett et al., M.C.R. 5383; Nancy Jane Braly, M.C.R. 5384; Lula McClain et al., M.C.R. 5385; William J. Timmons et al., M.C.R. 5386; and Thomas J. Timmons et al., M.C.R. 5387:

- Q Your name is what? A J. S. Findley.
- Q What is your age? A Forty-one.
- Q What is your post office address? A Wynnewood.

Thomas J. Timmons et al.,- 3.

- Q Indian Territory? A Yes sir, Chickasaw Nation.
- Q Are you a member of the Chickasaw Nation? A No sir.
- Q Or any other Nation in Indian Territory? A No sir.
- Q You are not a claimant then? A No sir.
- Q What is your occupation then? A Well, it's several different things---stock-raising, farming,----
- Q Do you know anything about these claimants: Olive A. Barnett, Nancy Jane Braly, Lula McClain, William J. Timmons and Thomas J. Timmons? having Choctaw blood? A I know nothing more than what they say and talk and I have heard.
- Q How long have you known them? A Between twenty-five and thirty years.
- Q And how long has it been since you heard that they had Choctaw blood? A Well, as far as Choctaw blood----well, I don't know that I ever heard that they had any Choctaw blood; just heard they was claiming Indians.
- Q You would hear it once in a while? A Yes sir, put in a place, Mr. Braly did, on Red River, about twenty-five years ago.
- Q Was that Nancy Jane Braly's husband? A Yes sir.
- Q Did you know Nancy Jane Braly's uncle James Taylor? A Yes sir.
- Q Did you know her grandfather James Taylor? A No sir.
- Q Who was James I. Taylor? Did you know of any James I. Taylor? A I knew one.
- Q How was he related to the grandfather of Nancy Jane Braly? A I think they claimed to be cousins---cousins or something.
- Q There were three James Taylors---the grandfather of Nancy Jane Braly, her uncle and James I.? A I couldn't tell you anything about that.
- Q Do you know anything about Eliza A. Wells having Choctaw blood--the mother of Nancy J. Braly? A No sir.
- Q Do you know anything about these applicants having Choctaw blood except what they have told you and just what you have seen of them? Now do these applicants who have appeared before the Commission to-day---Olive A. Barnett, Nancy Jane Braly, Lula McClain, William J. Timmons and Thomas J. Timmons, look to you as having any especial amount of Choctaw or any other kind of Indian blood? A Why seems like they got something, some kind of blood, I couldn't say what.
- Q But you wouldn't be especially struck with their appearance as Choctaw Indians? A Why, no sir, I couldn't say.
- Q Do you know whether any of their ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.
- Q Is there anything further that you think of that you would like to state in support of this claim of theirs? A No sir.

Witness excused.

Nancy Jane Braly, being called as a witness in this case, testified as follows:

- Q Tell me the name of your grandfather? A James Taylor.
- Q And his daughter was who? A Eliza Taylor.

Thomas J. Timmons et al.,--9.

- Q Married when? A Robert Wells.
Q How was there any other James Tayler? A Yes sir.
Q Who was he? A The son of James Taylor.
Q What was his name? A James Ira Taylor, my mother's brother.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 1st day of May, 1902.

Alvin C. Hill
Notary Public.

Choctaw R 709
Choctaw R 710

Muskogee, Indian Territory, April 21, 1902.

Thomas J. Timmons,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing affidavits of J. J. McLeod, alleging that William J. Timmons and Thomas J. Timmons are Mississippi Choctaw Indians by blood and that they have always been recognized and considered as such in that section of the country where Mr. McLeod resides.

These affidavits have been duly filed with the records of the Commission in the matter of the application of Thomas J. Timmons, et al. and William J. Timmons, et al., for enrollment as citizens of the Choctaw Nation.

As you were advised in our communication of April 8, 1902, you will be permitted thirty days from that date in which to personally appear before the Commission as applicants for identification as Mississippi Choctaws.

Yours truly,

97
Acting Chairman.

Miss. Choctaw 3387

Muskogee, Indian Territory, May 7, 1902.

Thomas J. Timmons,

Fitzhugh, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 3, in which you state when and where you were married to Mary Waterfield your wife. You are advised that if you desire to offer evidence of your marriage in support of the application made by you for the identification of yourself and your minor children as Mississippi Choctaws, you should forward either the original or a certified copy of your marriage license and certificate.

Yours truly,

Commissioner in Charge.

Miss Choctaw 6587

Muskogee, Indian Territory, June 2, 1902.

T. J. Timmons,

Fitchburg, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 25, inclosing certified copy of marriage license and certificate between T. J. Timmons and Mollie Moore, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. Your explanation with reference to the name of your wife appearing therein as Mollie is accepted by the Commission, and the same has been filed with the record in this case. You are advised that this evidence of marriage cannot be returned to you at present for the reason that it must be forwarded to the Secretary of the Interior with the record in your case when the same is transmitted to him for review. If at any time you desire a certified copy thereof, the same will be made for you.

Yours truly,

COPY.

Muskagee, Indian Territory, December 24, 1902

Thomas J. Timmons,
Pitshugh, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Jane Braly, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Jane Braly,	M.C.R. 5384
William J. Timmons, et al.,	M.C.R. 5386
Olive A. Barnett, et al.,	M.C.R. 5383
Lula McClain, et al.,	M.C.R. 5385
Thomas Jefferson Timmons, et al.,	M.C.R. 5387

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Jane Braly, William J. Timmons, Josephine Timmons, James Walter Timmons, Ira Y. Timmons, Lillie May Timmons, Denie Alice Timmons, Cera Etta Timmons, Olive A. Barnett, Willie Barnett, Lula McClain,

Archie L. McClain, Thomas Jefferson Timmons, Minnie May Timmons, Archie L. Timmons, William Jefferson Timmons, James Silas Timmons, Charlie L. Timmons and Bulai. Timmons as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.
Acting Chairman.

Registered.

M.C.R. 8387.

COPY:

Muskegee, Indian Territory, March 24, 1903.

Thomas J. Timmons,

Fitzhugh, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Jane Braly, et al., of which decision you were advised by registered mail on the 24th of December, 1902.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

M C R 5387

Muskogee, Indian Territory, November 9, 1904.

Thomas J. Timmons,
Fitzhugh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ultimo, asking to be advised the present status of your application for identification as a Mississippi Choctaw.

In reply you are informed that on March 16, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and six minor children as Mississippi Choctaws, of which departmental action you were duly notified on March 24, 1903.

The Commission considers this case closed and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

CHOCOTAW.

FILED
JUL 16 1900
COMMISSION TO FIVE TRIBES.

Thomas J. Timmons. 40. $\frac{1}{2}$

Fitzburg, I. T.

Father: Gordon Timmons - Head

Mother: Nancy J. Brady - ✓

Claims through mother.

4 Chs. Mother Timmons. 30.

Children.

Mini Timmons	13
Archie "	11
Jefferson "	8
Silas "	5
Charley "	3

For Identification as a Mississippi Choctaw.

Date

APR 28 1902

Name Thomas J. Timmons.

Age 42 - Blood 1/16

Post-Office, Fitzhugh, L. T.

Father: Jordan Timmons, L

Mother: Nancy Jane Braly, L.

Claims through mother

wife. Mary W. Timmons, L. W.

No appearance for wife -

Children:

Minnie May Timmons, 14

Archie L. " 12 ~~13~~

William J. " 11

James S. " 7

Charlie L. " 5

Eula A. " 1

Claims for self
and 6 children

Stenographer A. H. McMea

Choctaw MCR 5388

Susan L. Dohman

See MCR 752

MCR 5388

CHOCOTAW

5388

Wm. L. Dolman

CANCELLED

Nov 23. 1903. See Choctaw R 752

REFER TO M. O. R. 5077.

5-388

(COPY)

J. W. C.
J. C. H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
1115-1117-
1907.
D. C. 7609.

January 31, 1907.

L. R. S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 23, 1907, the Department received two motions for reopening and rehearing in the Mississippi Choctaw enrolment case of Susan Luvina Dolman, et al, one signed by her, P. J. Dolman, and Susie Thomas, and the other by Sarah L. and Alice M. Oxley. The original application was denied by the Commission to the Five Civilized Tribes on March 15, 1904, and its decision was affirmed by the Department on July 21, 1904.

The motions to reopen are hereby denied, because not made within sixty days after the passage of the Act of Congress approved April 26, 1906 (34 Stat., 137), as required by the first section of said act.

No letter of transmittal accompanied the motions but the Indian Office will refer to the record and notify the parties in interest. The motions have been sent to that office to be filed with the case.

Respectfully,

2 inclosures to Ind.Of.
Through the Commissioner
of Indian Affairs.

Thos Ryan
First Assistant Secretary.

Choctaw MCR 5389

Sarah L. Oxley

See MCR 753

MCR 5389

58891
CHOCTAW.

Sam. L. Oxley

CANCELLED

Nov. 23, 1903. See Choctaw R 753

REFER TO M. O. R. 5077

Choctaw MCR 5390

Peter Joseph Dohman

See MCR 754, 5077

MCR 5390

REGISTRATION AT

MISSISSIPPI CHOCTAW

R. 508

Peter Joseph Dolman

CANCELLED

Nov. 23. 1903. See Choctaw R 754

REFER TO M. C. R. 5077

Choctaw MCR 5391

Susie Thomas

See MCR 5077, 755

MCR 5391

SECTION AS R-5391
MISSISSIPPI CHOCTAW.

See Thomas et al

CANCELLED

Nov. 23. 1903. See Choctaw. R. 755.

REF. M.C.R. 5077

Choctaw MCR 5392

Alice May Oxley

See MCR 756, 5077

MCR 5392

REGISTRATION AS
MISSISSIPPI CHOCTAW.

R. 539

Alice May Oxley

CANCELLED

Nov. 23. 1903. See Choctaw R. 756.

RECEIVED M. C. R. 5077.

Choctaw MCR 5393

Dora G. E. Hargus

See MCR 3800

MCR 5393

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#5393.

-----oOo-----

In the matter of the application of Dora Gertrude Ellis Hargus for the identification of herself and her three minor children, Otis LeRoy Hargus, John Reed Hargus and Mary Lois Hargus, as Mississippi Choctaws.

Applicants represented by Judge John R. Thomas, attorney.

Dora Gertrude Ellis Hargus, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A Dora Gertrude Ellis Hargus.
Q Are you married? A Yes sir.
Q Do you apply for anyone besides yourself? A My three children
Q What is your age? A I am twenty-six years old.
Q That is, you are past that? A Last January.
Q What is your post office address? A Cotulla, LaSalle County, Texas.
Q How long have you lived there? A About ten years.
Q Where were you born? A Born in Mexico, Matamoras.
Q And you lived there how long? A Only a few months.
Q And then moved to what state? A Texas.
Q Have you since lived in Texas? A Yes sir.
Q What is your father's name? A Andrew J. Ellis.
Q Is he living? A No sir, dead.
Q Is your mother living? A No sir, she's dead.
Q What was her name? A Annie Ellis.
Q You claim through which parent---your Choctaw blood? A Through my father.
Q How much do you claim? A One-thirty-second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
Q Do you know when and where your father and mother were married?
A Yes sir, in Corpus Christi, Texas. I have a copy of the certificate.
Q What date? A I don't know; I have a copy of the certificate.

Certified copy of the record of the license and certificate of the marriage between Andrew J. Ellis and Miss Annie

McCabe presented by applicant, received, filed and marked Exhibit "A" and made a part of the record in this case.

- Q What is your husband's name? A William L. Hargus.
Q He's living? A Yes sir.
Q Is he a Choctaw Indian? A No sir.
Q Or white man? A He's a white man.
Q No claim for him then? A No sir.
Q How will you give me the names of your children commencing with the oldest---names and ages? A Otis LeRoy Hargus.
Q He's seven years old? A Yes sir, will be in May.
Q Now give me the name of the next? A John Reed Hargus age three years January 14, 1902; Mary Lois Hargus one year old March 9, 1902.
Q Is William L. Hargus the father of these children? A Yes sir.
Q And you are living together as husband and wife? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir, my husband was.
Q No children that you want to make application for by that marriage? A No sir.
Q Is your name on any of the tribal rolls with your oldest son for citizenship in the Choctaw Nation in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and oldest son to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and oldest son under the act of Congress of June 10, 1896?
A No sir.
Q Have you ever made application previous to this time for yourself or any of your children, for enrollment as members of the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No sir.
Q Do you now come before the Commission for the identification of yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir.
Q You do not care for further explanation? A No sir.

Without the explanation the article reads as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under

ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

- Q Do you know whether any of your ancestors complied or attempted to comply with the provisions of that article? A Yes sir.
- Q An ancestor did comply? A Yes sir.
- Q What is the name? A Sarah Booth.
- Q What relation was she to you? A Well my great-grandfather married her daughter---married Sarah Booth's daughter Washabee Walker; she was a half blood Choctaw woman.
- Q And was the daughter of Sarah Booth then. Was Sarah Booth the maiden name? A Yes sir.
- Q Whom did she marry? A Walker.
- Q Do you know his other name? A No sir.
- Q How much Choctaw blood did Sarah Booth have? A One-half.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Don't know whether she lived there at that time and was the head of a family then? A No sir, I don't know. All I know is what my people told me.
- Q What did they tell you? A They told me that our great-grandfather married her daughter and that she was half Choctaw Indian.
- Q Did they ever say anything about living in Mississippi at all? A Yes sir, she lived in Mississippi.
- Q Do you know whether she lived there in Mississippi in 1830? A Yes sir, I think so.
- Q Do you know it as a matter of family history? A Yes sir. All I know is my relatives-----their testimony about it.
- Q Did she have a Choctaw Indian name do you know? A I don't know.
- Q Did any of her descendants live in Mississippi in 1830? A I don't know.
- Q Did she speak the Indian language--Choctaw language? A I don't know.
- Q Did she or any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A Yes sir.
- Q You heard they did do that? A Yes sir.
- Q Who did? Sarah Booth? A Yes sir.
- Q Went to Colonel Ward---that would be within six months after the ratification of the treaty? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No, I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.

D.G.E.H. et al.,--4.

- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi and Alabama under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you know what became of that land? A No sir.
- Q Who owned it, Sarah Booth? A Yes sir.
- Q Is she on any of the tribal rolls of the Choctaw Nation in Mississippi or Alabama? Is her name? No answer.

The applications of Charlie O. Ellis, M.C.R. 5348, and Walter H. Ellis, M.C.R. 5349, is here referred to and made a part of this application, under which all cases of claimants claiming through the same common ancestor, Sarah Booth or Sarah Walker are to be consolidated.

Statement by Judge Thomas:

The claimant expects to prove by evidence hereafter to be introduced, and the records in the cases with which this is consolidated, that the John Walker referred to on page 76, Volume 7 of American State Papers, under the head of "Claims in the district of Mushulatubbee" of claimants under article fourteen of the treaty of 1830, was a white man and the husband of Sarah Booth who was a half breed Choctaw Indian woman. The claimant expects to show that she is legitimately descended from Sarah Booth her Choctaw ancestor.

By the Commission:

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of this treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected, for some reason, to put upon his register known as Ward's Register, and his neglect to do it caused a good many Indians to lose their land that they had formerly had in the old Choctaw Nation in the state of Mississippi. This neglect of his also caused a great many complaints on the part of the Choctaw Indians so that in 1837, by an act approved March 3rd of that year, Congress appointed a Commission. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed by Congress for the same purpose, and that Commission went to Mississippi and heard claimants under that article of that treaty, and both of these Commissions went to Mississippi and made lists of all those Indians who appeared before each one of them respectively.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians? A I don't know.

D.G.E.H. et al.,--5.

The act of Congress of August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it further appeared that he had had land in Mississippi or in the old Choctaw Nation which the government had taken from him and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know whether they did or not.
- Q What relation is Charlie O. Ellis to you? A Uncle--my father's brother.
- Q Walter H. Ellis? A He's my uncle.
- Q They and others have made application to be identified before the Commission as Mississippi Choctaws claiming through the same common ancestor, Sarah Walker, nee Booth, haven't they?
- A Yes sir.
- Q Would you like to have all these cases consolidated under one case? A Yes sir.
- Q Have you any other evidence you would like to introduce now?
- A Yes sir.

Reasonable time will be allowed applicant, on motion of Counsel for applicant, Judge Thomas, in which to introduce such other testimony proper and pertinent in this case.

- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further in support of this claim, or anything further you want to say Judge?

By Judge Thomas to applicant:

- Q Has it always been understood in your family that you were a Choctaw Indian? A Yes sir.
- Q Who have you heard speak of it? A Well, my uncles.
- Q Do you remember your grandmother and grandfather? A Yes sir.
- Q Did you ever hear them speak of it? A No sir. I was quite small.
- Q Have you any aunts living? A No sir.
- Q Did you ever hear any one else besides your uncles speak of the family being of Choctaw descent? A No sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended fully from white parentage, except for the fact that she has medium dark complexion, dark brown hair and black eyes; the features are mainly that of caucasian and there are certain marks which might indicate a strain of Choctaw blood, which she claims is one thirty-second and which


D.G.R.H. et al.,--6.

in the opinion of the Commission, she possesses. She doesn't understand or speak the Choctaw language, and claims a compliance on the part of her ancestors with one of the articles of the treaty of 1830, in that she claims that John Walker, a white man, married Sarah Booth, who, she believes, or at least who it is believed by some of her relatives was a lineal ancestor. The statement made by her attorney, Judge Thomas, is that he believes that he can show lineal descent from Sarah Booth, as the Choctaw wife of John Walker the white man who was a beneficiary under article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 1st day of May, 1902.



Notary Public.

Miss. Choctaw R3393

Muskogee, Indian Territory, June 18, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 14, inclosing affidavit of Mrs. Puss Dean, which you ask to have filed in support of the application of Dora Gertrude Ellis Hargus, et al. for identification as Mississippi Choctaws, and the same has been filed and made a part of the record in that case.

Yours truly,

Commissioner in Charge

COPY

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.N. 5393.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Dora G. E. Hargus,
Cotulla, Texas.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Davenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898. (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey. Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Registered.

Tams Bixby.

Acting Chairman.

M.C R. 5393.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Dora G. E. Hargus,

Cetulla, Texas.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

T. B. Needles
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date APR 28 1902

Name ~~W~~ Nora G. E. Hargus

Age 26 Blood 1/32

Post-Office, Cotulla, Texas,

Father: Andrew J. Ellis, d

Mother: Annie " d

Claims through father
~~Husband~~ none L. Hargus. b. w.
 No claim for husband

Children: LE ROY

~~Lee~~ Otis LeRoy Hargus. 7

John Reed " 3

Mary Lois " 1

Claims for self &
 children

Stenographer A. S. McMillan

Choctaw MCR 5394

Levin T. Jackson

See MCR 4490

MCR 5394

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 28, 1902.

#5394.

-----oOo-----

In the matter of the application of Levin T. Jackson for the identification of himself and his two minor children, Justus Jackson and Elmer Jackson, as Mississippi Choctaws.

Applicants not represented by attorney.

Levin T. Jackson, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Levin T. Jackson.
Q What is your age? A Thirty-three.
Q What is your post office address? A Bokohito, I. T.
Q How long have you lived there? A I have resided there about four years.
Q Where did you live before you lived there? A I lived about three years at Utica, I. T.
Q Where did you live before that? A Before that I lived about twenty years in Texas; something near that.
Q Where were you born? A In West Tennessee.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Francis M. Jackson.
Q What is your mother's name? A Mary Elizabeth.
Q Through which parent do you claim Choctaw blood? A Through the father.
Q How much do you claim? A I claim one-sixteenth or more.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.
Q When did he make application? A In January of this year.
Q Here at Muskogee? A Yes sir.
Q His name is what? A Francis M. Jackson.
Q Do you know whether he has filed in his application the proof of his marriage with your mother? A I do not know, Judge.
Q You haven't that proof with you, have you? A No sir, I can obtain it.

Reasonable time will be allowed for that purpose.

Levin T. Jackson et al.,--2.

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Choctaw Indian or white woman? A White woman.
Q You make no claim for her? A Not unless she would be admitted on the marriage to me.

There is no law to hear applications for identification as Mississippi Choctaws by intermarriage.

- Q What is her name? A Eva A. Jackson.
Q You have the proof of your marriage with you? A Yes sir.
Q Is this the original or a copy? A That's the original I believe.

The original marriage license and certificate of marriage of Leven T. Jackson with Eva A. Corse, both of Utica, presented by this applicant, received, marked Exhibit "A" and made a part of the record in this case.

- Q This L e v e n is supposed to be your name which is L e v i n?
A Yes sir.
Q And Eva A. Corse is your wife? Eva A. Jackson? A Yes sir.
Q Have you any children that you want to make application for?
A I have two.
Q What is the name of the oldest? A Justus Jackson.
Q J u s t u s? A Yes sir, that's the way I spell it.
Q How old? A Six years old.
Q And the next? A Next is Elmer Jackson.
Q How old? A Three years old.
Q That's all is it? A Yes sir.
Q Is your name or the name of your oldest son on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and any of your children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application previous to this time to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and child under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to be identified---yourself and your two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to

Levin T. Jackson et al.,--3.

be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Can you give the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw?
- A Yes sir, the name is John Jackson.
- Q What relation to you? A Great-grandfather.
- Q How much Choctaw blood did he have? A Half breed or more.
- Q Did he speak the Choctaw language or have a Choctaw Indian name?
- A None other name except John Jackson, and I don't know that he spoke the language.
- Q Did he live in the old Choctaw Nation there in Mississippi or Alabama in 1830? A Yes sir, he lived in Mississippi.
- Q And did he have any children living with him there at that time?
- A Yes sir.
- Q In other words, he was the head of a family in Mississippi in 1830? A Yes sir.
- Q You get that fact from family history and tradition do you?
- A Yes sir, I am informed by the family that his name is on the rolls; I don't know personally.
- Q How old would John Jackson be if he was living now?
- A Well, I couldn't answer that as I don't remember hearing his age. My grandfather is eighty-one or two.
- Q You are claiming through his blood? A Through his blood--John Jackson.
- Q And your great-grandfather isn't living is he? A Isn't living.
- Q But has he a son now living named John Jackson? A No sir, he has a son Jeff or Jefferson.
- Q And how old is he? A Eighty or Eighty odd.
- Q Was he born in Mississippi? A I think he was.
- Q And about eight years old at the time of the treaty? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know that they owned any land, but I think they made an effort to secure land.
- Q By going to the United States Indian Agent within six months after the ratification of the treaty of 1830, and telling him he wanted to take land there and become a citizen of the states?
- A Well, he made an effort to comply with the requirements.
- Q With article fourteen? A Yes sir.
- Q You claim John Jackson did that, do you? A Yes sir.
- Q Now what proof or evidence have you that he did comply with the provisions of article fourteen of the treaty of 1830?
- A Not anything more than the family has related to me.

Levin T. Jackson et al.,--4.

- Q Did he claim any land or get any under article fourteen of the treaty of 1830, in Mississippi or Alabama? A He did according to the information I have---got it through the family.
- Q Well did he get the land, or just simply claim it? A I can not answer that Judge; I don't know.
- Q If he did get any land in Mississippi or Alabama under article fourteen, do you know what he did with it? A I don't.
- Q Do you know where it was located? A I don't.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?
- A Not that I have a knowledge of.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article 14 of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do this caused a good many Indians who held land in the old Choctaw Nation, upon which they had improvements, to lose them both, for the government took both land and improvements and sold them at its public land sales. This caused so many complaints on the part of the Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress, for the same purpose. This Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A Now did I understand you to say in 1837 and 1842?
- Q You know some tried to register in 1831, under Ward, but failed, and they tried to register again there in 1837 and 1842?
- A Well, I couldn't say, Judge, that he did.
- Q You are not able to show that now? A No sir.
- Q Did any of your Choctaw ancestors get any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana and Arkansas, to take the place of the land which they claimed they had occupied in Mississippi in the old Choctaw Nation, but which the government had taken from them and sold? A I don't think they did.
- Q You have had some relatives who have been before the Commission haven't you? A I have had a father.
- Q What is his name? A Francis M. Jackson.
- Q Any other relatives? A No sir.

Levin T. Jackson et al.,--5.

Reference is here made to M.C.R. 4490, Francis M. Jackson.

- Q He never made application before he made this? A No sir.
Q And you never did before this? A No sir.
Q Have you any proof that you want to introduce further?
A I believe not. We came simply to make the application and can produce further evidence.
Q Do you want time to introduce further evidence? A Yes sir.

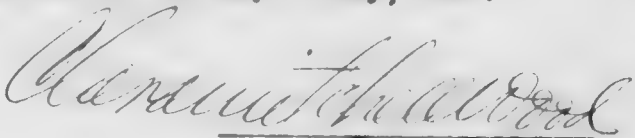
Reasonable time will be allowed this applicant in which to furnish proper proof in support of his claim.

- Q You do not speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has no knowledge of any compliance, any further than family tradition and hearsay, on the part of his ancestor John Jackson with any of the provisions of article fourteen of the treaty of 1830; has blue eyes, light brown hair and reddish brown mustache.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.


Subscribed and sworn to before me this 1st day of May, 1902.


Notary Public.

COPY.

M.C.R. 5394.

Muskogee, Indian Territory, July 23, 1902.

Levin T. Jackson,

Mokohito, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis M. Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis M. Jackson,	M.C.R. 4490
Levin T. Jackson, et al.,	" 5394
John A. Jackson, et al.,	" 5395
James Francis Jackson, et al.,	" 5396
Jefferson C. Jackson, et al.,	" 5397

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

L T J 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis M. Jackson, Levin T. Jackson, Justus Jackson, Elmer Jackson, John A. Jackson, Roy F. Jackson, James Francis Jackson, Susan J. Jackson, Ellie Jackson, Andrew Jackson, Mary Jackson, Jefferson G. Jackson, Cora F. Jackson, Chester Jackson and Harry Jackson as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIC)

T. E. Needles.

Commissioner in Charge.

Registered.

M. C. R. 8394

COPY.

Muskogee, Indian Territory, September 6, 1902.

Levin T. Jackson,

Beckhite, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis M. Jackson, et al., of which decision you were advised by registered mail on the 23d day of July, 1902.

Yours truly,

Tamm Dixby.
Acting Chairman.

5394

Ex "a"

INDIAN TERRITORY,
Second Judicial Division.

I hereby certify that this instrument
was filed for record in my office at
o'clock M. *Sept 4 1892*
and is duly recorded in *Book 8*

Mr. J. W. Phillips Clerk
J. W. Phillips
DEPUTY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 28 1902

[Signature]
ACTING CHAIRMAN.

Certificate of Record of Marriage.

UNITED STATES OF AMERICA, }
The Indian Territory. } SCT.
THIRD JUDICIAL DIVISION.

I, JOSEPH W. PHILLIPS, Clerk
of the United States Court in the Territory
and Division aforesaid.

DO HEREBY CERTIFY that the license for,
and certificate of the Marriage of

Mr. _____ and

M _____

were filed in my office in said Territory and Division
the _____ day of _____ A. D., 189 ____
and duly recorded in Book _____ of marriage
Records page _____

WITNESS my hand and seal of said Court,
at Ardmore, this _____ day of _____ A. D., 189 ____

JOSEPH W. PHILLIPS, Clerk.

By _____ Deputy

No.

MARRIAGE LICENSE

United States of America,)
THE INDIAN TERRITORY,) ss.
2nd ~~JUDICIAL~~ JUDICIAL DIVISION.

To Any Person Authorized by Law to
Solemnize Marriage—Greeting.

You are hereby commanded to solemnize
the Rite and publish the Banns of Matrimony between
Mr. Leven. T. Jackson. of Utica,
in the Indian Territory, aged 25, years, and
Miss Eva. A. Corse. of Utica,
in the Indian Territory, aged 18, years,
according to law and do you officially sign and return this License
to the parties therein named.

WITNESS my hand and Official Seal this 16th day of August A. D. 1894

Jas. W. Phillips,
CLERK OF THE U. S. COURT.

BY

Kielding Lewis

DEPUTY.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)
THE INDIAN TERRITORY.) ss.
2nd ~~JUDICIAL~~ JUDICIAL DIVISION.

I, *W. F. Whaley*
a Minister of the Gospel

DO HEREBY CERTIFY, that on the 22 day of August A. D. 1894
I did duly and according to law, as commanded in the foregoing License, solemnize the
Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this first day of Sept. A. D. 1894

My credentials are recorded in the office of the Clerk of the United States Court,
Indian Territory, 2nd Judicial Division, Book A, Page 204

W. F. Whaley
a Minister of the Gospel

NOTE. — This License and Certificate of Marriage must be returned to the Office of the Clerk of
United States Court in the Indian Territory, from whence it was issued, within sixty days from the date
thereof, or the party to whom the License was issued will be liable in the amount of One Hundred
Dollars (\$100.)

For Identification as a Mississippi Choctaw.

Date

APR 28 1902

Name *Levin T. Jackson*Age *33*

Blood

*1/16 (?)*Post-Office, *Bokchito, D. T.*Father: *Francis M. Jackson* *l*Mother: *Mary Elizabeth* *"* *l*Claims through - *father* *—*
wife *Eva A. Jackson* *l. w.*
No claim for wife

Children:

Justus Jackson *M* *6**Elmer* *"* *"* *3**Claims for self &*
*children -*Stenographer *A. G. McMillan*

END

OF

ROLL

